

**The
Journal of the
Assembly**

**OF THE
SEVENTY-FIRST SESSION**

**OF THE
LEGISLATURE OF THE
STATE OF NEVADA**

2001



**BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND
ENDED ON MONDAY, THE FOURTH DAY OF JUNE**

VOLUME 1

THE FIRST DAY—THE SEVENTY-NINTH DAY

SEE VOLUME 3 FOR INDEX

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 79 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

<i>Calendar Day</i>	<i>Date</i>	<i>Page Number</i>
1.....	February 5, 2001	1
2.....	February 6, 2001	72
3.....	February 8, 2001	76
5.....	February 9, 2001	81
8.....	February 12, 2001	89
9.....	February 13, 2001	100
10.....	February 14, 2001	108
11.....	February 15, 2001	115
12.....	February 16, 2001	126
15.....	February 19, 2001	130
16.....	February 20, 2001	139
17.....	February 21, 2001	151
18.....	February 22, 2001	161
19.....	February 23, 2001	173
22.....	February 26, 2001	176
23.....	February 27, 2001	184
24.....	February 28, 2001	191
25.....	March 1, 2001	205
26.....	March 2, 2001	213
29.....	March 5, 2001	218
30.....	March 6, 2001	224
31.....	March 7, 2001	230
32.....	March 8, 2001	239
33.....	March 9, 2001	249
36.....	March 12, 2001	257
37.....	March 13, 2001	263
38.....	March 14, 2001	276
39.....	March, 15, 2001	285
40.....	March 16, 2001	300
43.....	March 19, 2001	311
45.....	March 21, 2001	342
46.....	March 22, 2001	362
47.....	March 23, 2001	374
50.....	March 26, 2001	380
51.....	March 27, 2001	419
53.....	March 29, 2001	433
54.....	March 30, 2001	443
57.....	April 2, 2001	452
58.....	April 3, 2001	465
60.....	April 5, 2001	495
61.....	April 6, 2001	509
64.....	April 9, 2001	520
66.....	April 11, 2001	541
68.....	April 13, 2001	581
72.....	April 17, 2001	607
73.....	April 18, 2001	659

ASSEMBLY LEGISLATIVE CALENDAR

<i>Calendar Day</i>	<i>Date</i>	<i>Page Number</i>
74.....	April 19, 2001	727
75.....	April 20, 2001	751
78.....	April 23, 2001	805
79.....	April 24, 2001	845
80.....	April 25, 2001	909
81.....	April 26, 2001	976
82.....	April 27, 2001	1130
85.....	April 30, 2001	1172
86.....	May 1, 2001	1181
87.....	May 2, 2001	1186
88.....	May 3, 2001	1194
89.....	May 4, 2001	1200
92.....	May 7, 2001	1214
93.....	May 8, 2001	1224
94.....	May 9, 2001	1234
96.....	May 11, 2001	1245
99.....	May 14, 2001	1251
100.....	May 15, 2001	1279
101.....	May 16, 2001	1293
103.....	May 18, 2001	1317
107.....	May 22, 2001	1334
108.....	May 23, 2001	1492
109.....	May 24, 2001	1572
110.....	May 25, 2001	1610
111.....	May 26, 2001	1684
113.....	May 28, 2001	1793
114.....	May 29, 2001	1878
115.....	May 30, 2001	1941
116.....	May 31, 2001	1992
117.....	June 1, 2001	2018
118.....	June 2, 2001	2043
119.....	June 3, 2001	2105
120.....	June 4, 2001	2224

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

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

No. Summary, Introducer and Page Reference

- 1 Revises provisions regarding school nurses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parnell. 53, 419, 439, 450, 460,* 1214, 1237, 1276.
- 2 Makes appropriation to Clark County for expenses related to regional shooting range in Southern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Lee. 53.
- 3 Makes appropriation to C.A.R.E. Chest of Sierra Nevada for completion of new facility in Northern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Gustavson. 53.
- 4 Makes various changes concerning prison industries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 53, 609, 611, 625, 668, 669,* 1794, 1993, 2128, 2132, 2492.
- 5 Makes appropriation to State Public Works Board for Hi-Tech Learning Center at Great Basin College in Winnemucca. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Marvel. 54.
- 6 Revises provisions governing driving of certain combinations of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 54, 466, 501, 515,* 1319, 1490.
- 7 Revises provisions governing school zones and school crossing zones. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Collins. 54, 151, 166, 174, 175, 181, 182,* 1611, 1791.
- 8 Makes various changes concerning drivers' licenses issued to persons under 18 years of age. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Cegavske, Care. 54, 542, 586, 625, 666, 690,* 691.
- 9 Authorizes use of arbitration for adjustment of certain grievances of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parnell. 54, 89, 104, 112, 240, 253, 254*.
- 10 Requires agency of local government to reimburse agency of this state for cost of training peace officer under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 55.
- 11 Revises charter of City of Elko. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. 55, 126, 133, 143,* 1225, 1243.
- 12 Revises provisions governing issuance of supplementary certificates of birth by state registrar of vital statistics. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 55, 205, 216, 221,* 728, 803.
- 13 Revises provisions governing membership of boards of trustees of public hospitals and county hospital districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parnell. 55, 342, 367, 378, 392,* 1225, 1243.
- 14 Increases compensation of members of certain boards of hospital trustees for rural county hospitals. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Hettrick. 56, 224, 234, 243,* 728, 803.
- 15 Requires establishment of program to provide supportive assistance to certain persons who obtain legal guardianship of certain children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani, Mathews. 56, 376, 510, 522, 523, 1201, 1217,* 1875, 1939.
- 16 Increases penalty for providing alcoholic beverage to underage person. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Cegavske. 56.
- 17 Makes various changes concerning tort actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 56.
- 18 Requires fiscal note for legislative measure to contain estimate of certain fiscal impacts for two biennia. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Ways and Means. 56, 191, 208, 216*.

No. Summary, Introducer and Page Reference

- 19 Creates forecast council and related technical advisory committees to produce long-term forecasts of state revenues and expenditures and estimates of impacts of proposed programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 57, 376, 522, 846, 847, 849, 916.
- 20 Makes contingent appropriation to Brewery Arts Center for purchase of property for development of cultural center and plaza in Carson City historic district. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Parnell. 57.
- 21 Requires court to order person convicted of second offense of driving under influence of intoxicating liquor or controlled substance within 7 years to attend program of treatment for abuse of alcohol or drugs. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Cegavske. 57, 496, 522, 1993, 1996, 1998, 2023,* 2174, 2492.
- 22 Amends charter of City of Las Vegas to extend terms of municipal judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 57, 126, 134, 143,* 343, 372.
- 23 Makes various changes related to determining number of justices of the peace within county. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 58.
- 24 Prohibits person from directing light emitted from laser pointer into or through certain places and at certain persons under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 58, 108, 124, 128, 135*.
- 25 Makes various changes concerning minor who falsely represents his age to purchase tobacco products. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Carpenter. 58.
- 26 Requires legislative auditor to conduct audit of University and Community College System of Nevada and Board of Regents of University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Perkins. 58, 496, 512, 538*.
- 27 Prohibits entity that supervises juvenile who is ordered to perform work or community service from placing juvenile on highway except under certain circumstances or other dangerous situation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 58, 728, 757, 828,* 1793, 1817, 1818, 1990.
- 28 Revises provisions governing sale of certain school property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. de Braga. 59, 509, 525, 576,* 1280, 1332.
- 29 Requires director of state department of conservation and natural resources to conduct independent investigation before making certain determinations concerning control of water pollution under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Carpenter. 59, 191, 343, 368, 378, 392,* 393, 1611, 1791.
- 30 Revises amount of insurance coverage required for license to apply pesticides. Fiscal Note: Effect on Local Government: No. Effect on the State: No. de Braga. 59, 443, 454, 488,* 1214, 1232.
- 31 Requires department of human resources to include presumptive eligibility for certain persons in state plan for Medicaid and children's health insurance program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriations not included in Executive Budget. Committee on Health and Human Services. 59, 263, 282, 376.
- 32 Revises provisions regarding practice of chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gibbons. 60, 115, 127, 135,* 301, 340.
- 33 Expressly validates trust for care of animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 60, 115, 127, 135,* 1611, 1791.
- 34 Revises provisions governing granting of rights to visitation with child to persons other than parents of child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Berman. 60, 510, 525, 526, 576*.
- 35 Requires department of human resources to include presumptive eligibility for children who are less than 19 years of age in children's health insurance program and to establish program of training to assist and encourage persons to enroll children in children's health insurance program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Berman. 60, 376, 434, 444.
- 36 Revises various provisions governing approval and payment of claims. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Neighbors. 60, 452, 469, 505*.
- 37 Revises provisions governing presumptive maximum monthly amount that certain parents may be required to pay for support of their children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 61, 805, 806, 807, 824, 902,* 1793, 1818, 1820.
- 38 Authorizes notice of meetings of units' owners and executive boards of associations of common-interest communities to be sent by electronic mail upon request. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson. 61, 176, 185, 198,* 1225, 1243, 1990.

No. Summary, Introducer and Page Reference

- 39 Makes appropriation to State Public Works Board for construction of Hi-Tech Learning Centers in Fernley and Yerington. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Dini, Amodei. 61.
- 40 Makes appropriation to Storey County for allocation to Community Chest, Inc., for county youth and community resources center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Dini, Amodei. 61.
- 41 Authorizes city attorneys to defend person in criminal proceeding under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini, Amodei. 61, 176, 186, 198,* 848, 972.
- 42 Clarifies applicability of provision providing certain reemployment rights with executive branch of state government to certain employees regardless of status of such employees with department of personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 61.
- 43 Revises formula for assessments related to program of workers' compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 62.
- 44 Makes various changes concerning industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 62, 495, 512, 513, 532, 533, 575, 601,* 1611, 1668, 1670, 1791.
- 45 Requires administrator of division of industrial relations of department of business and industry to create pamphlet concerning use of subsequent injury funds. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 62.
- 46 Makes various changes concerning workers' compensation that affect eligibility, and amount and payment of benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 63.
- 47 Makes various changes concerning policies of industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 63, 263, 282, 288, 453, 463, 488, 489,* 1337, 1475, 1570.
- 48 Makes various changes concerning policies of industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 63, 495, 513, 538,* 1337, 1475, 1486, 1685, 1786, 2079, 2105, 2223.
- 49 Makes various changes concerning duties and professional conduct of hearing and appeals officers of department of administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 64.
- 50 Revises provisions governing certain funds into which school districts may transfer money. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 64.
- 51 Makes appropriation to Department of Motor Vehicles and Public Safety for creation and maintenance of branch office in Boulder City. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Bache. 64.
- 52 Limits fees which providers of health services that accept insurance payments may collect from patients. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Bache, Parks, McClain, Koivisto, Giunchigliani. 64, 376, 452, 475, 476, 1336, 1391, 1468, 1532*.
- 53 Repeals business tax under certain conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Collins. 64, 376, 522.
- 54 Revises provisions relating to time within which prosecution for certain felonies must be commenced and certain provisions concerning genetic marker testing. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Anderson. 65, 434, 445, 460,* 1319, 1562, 1564, 1993, 2019, 2169, 2173, 2276.
- 55 Eliminates requirement that county jail be located at county seat. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 65, 510, 526, 576,* 1225, 1243.
- 56 Authorizes counties to transfer or sell certain real property to certain persons without offering property to public under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Neighbors. 65, 173, 181, 187, 198,* 1280, 1332.
- 57 Makes appropriation to Department of Education to provide grants for certain programs that promote parental involvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Perkins. 65.

No. Summary, Introducer and Page Reference

- 58 Requires increased salaries for certain employees of school districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Parnell. 66, 376.
- 59 Amends charter of City of Las Vegas to provide that office of additional councilman created as result of increase in number of wards must be filled initially by election. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Collins. 66, 660, 734, 796,* 1280, 1332.
- 60 Requires public body to post additional notice of its meetings on its Internet website, if any. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers. 66, 727, 758, 828,* 1280, 1489, 1943, 1944, 2037, 2038, 2078, 2223.
- 61 Provides certain restrictions relating to regulation of amateur service communications. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers. 66, 660, 668, 670, 738,* 1280, 1332.
- 62 Makes various changes concerning garnishment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson. 66, 126, 135, 143,* 1225, 1243.
- 63 Revises provisions governing maintenance of certain improvements in subdivisions and planned unit developments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 67, 910, 911, 926, 1024,* 1319, 1490.
- 64 Provides exemption for pupils from certain achievement and proficiency examinations upon request of parent. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. By request. 72, 328*.
- 65 Makes appropriation to Clark County for support of adult day care centers of Economic Opportunity Board of Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 72.
- 66 Makes appropriation to City of North Las Vegas for support of Nevada Partners. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 73.
- 67 Makes appropriation to Clark County School District for purchase of web-based educational system for instruction of pupils and professional development of educators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 73.
- 68 Makes appropriation to City of North Las Vegas for development of El Camino Real Cultural Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 73.
- 69 Imposes fee each time employer withholds income for payment of support for child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 73, 420, 610, 1289, 1301, 1322, 1537, 1560, 2168, 2178, 2179.
- 70 Makes various changes with respect to affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 73, 2275, 2277, 2379, 2387,* 2388.
- 71 Makes appropriation to Clark County for new facilities at Spring Mountain Youth Camp. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 73.
- 72 Makes plans, drawings, specifications and other instruments of service prepared by design professionals for public works projects property of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel, Hettrick. 74.
- 73 Makes appropriation to administrative office of the courts for establishment of programs of treatment for abuse of alcohol or controlled substances in certain judicial districts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Dini, de Braga, Hettrick, Parnell. 76, 79, 376.
- 74 Requires labor commissioner to adopt regulations prohibiting employment of children under 16 years of age in certain activities relating to commercial sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Berman, Carpenter, Gibbons. 81, 443, 454, 489,* 1611, 1667, 1668, 1791.
- 75 Requires adoption of state cancer plan and mandates administrative action necessary to provide Medicaid coverage to certain patients with breast or cervical cancer. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Berman, Gibbons, Carpenter, Giunchigliani, Hettrick, Humke, Von Tobel. 81, 342, 368, 376, 2276, 2294, 2379, 2481*.

No. Summary, Introducer and Page Reference

- 76 Makes appropriations to Interim Finance Committee and Department of Education for allocation to certain public television stations to convert to digital television and to certain nonprofit public radio stations to assist in replacement of aging transmission equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Mortenson. 82.
- 77 Revises provisions governing unclaimed property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 82, 608, 611, 625, 626, 756, 797,* 1873, 1964, 2016.
- 78 Authorizes nurses to accept direction from physicians' assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini, Anderson, Price, Bache, Buckley, Chowning, Gibbons, Giunchigliani, Goldwater, Humke, Koivisto, Marvel, Perkins. 82, 115, 127, 136,* 240, 255.
- 79 Revises provisions governing issuance of permits for exploration projects and mining operations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini, Neighbors, Carpenter, Price, Anderson, de Braga, Gibbons, Humke, Marvel, Perkins. 82.
- 80 Revises requirements for issuance of permits for free use of state parks and other recreational areas by certain disabled persons and by older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Dini, Anderson, Chowning, Bache, Price, Buckley, Gibbons, Giunchigliani, Goldwater, Humke, Koivisto, Marvel, Perkins. 83, 376, 522.
- 81 Revises provisions governing claims for constructional defects, dissolution of corporations and limited-liability companies and common-interest community associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 83.
- 82 Makes various changes concerning orders to protect person from crime of stalking, aggravated stalking and harassment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, McClain, Carpenter, Humke, Chowning, Anderson, Arberry, Berman, Buckley, Claborn, Collins, de Braga, Dini, Giunchigliani, Lee, Leslie, Manendo, Nolan, Oceguela, Parks, Smith. 89, 176, 186, 198,* 1793, 1820, 1990.
- 83 Makes various changes concerning vehicles used to provide public mass transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 90, 453, 476, 479, 584, 604, 652,* 1319, 1490.
- 84 Revises provisions governing conservation districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 90, 213, 221, 228, 236,* 434, 450.
- 85 Makes appropriation to The MacDonald Center for the Arts and Humanities, Inc., for design and fabrication of exhibits for mobile museum of ancient history and archeology that will travel to schools throughout State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Mortenson, Perkins, Cegavske, Price, Parks, Berman, Chowning, Claborn, de Braga, Manendo, Smith, Von Tobel, Rawson, Shaffer. 90.
- 86 Prohibits director of department of transportation, in certain circumstances, from retaining portion of contract price of, or requiring bonds in connection with, certain contracts awarded to railroad companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 90, 521, 545, 601,* 1294, 1332.
- 87 Makes various changes concerning confidentiality of certain information relating to bonds for industrial development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 90, 521, 546, 583.
- 88 Limits requirement for protective headgear for drivers and passengers of motorcycles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson, Collins, Bache, Price, Angle, Beers, Berman, Brower, Carpenter, Cegavske, de Braga, Dini, Gibbons, Giunchigliani, Hettrick, Humke, Lee, Manendo, Marvel, Mortenson, Tiffany, Von Tobel, O'Connell, Amodei, James, McGinness, Rhoads, Shaffer, Washington. 91.
- 89 Authorizes collective bargaining for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 91.
- 90 Eliminates limitation on amount of unused sick leave employee in public service is entitled to carry forward from year to year. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 91, 173, 174, 376.
- 91 Authorizes imposition of fee for certain complaints filed with public utilities commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 91.

- No. Summary, Introducer and Page Reference*
- 92 Authorizes county to exercise additional powers under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 92, 977, 980, 987, 1131, 1136,* 1137, 1611, 1672, 1791.
- 93 Revises provisions of charter of City of North Las Vegas concerning city attorney. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 92, 521, 547, 583, 981, 1033,* 1034, 1319, 1490.
- 94 Makes various changes regarding fees charged and collected by certain officials of local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 92, 751, 756, 774, 828,* 1873, 2026, 2029, 2134, 2135, 2388, 2389, 2492.
- 95 Revises provision regarding filing of annual report on performance of permanent employee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 92, 727, 759, 828,* 829, 1319, 1490.
- 96 Revises certain provisions governing financial administration of local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 92, 433, 446, 461,* 1280, 1332.
- 97 Revises provisions governing waste of water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 93.
- 98 Requires board of county commissioners to fix terms of office of chairman and vice chairman of board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 93, 115, 127, 136,* 1225, 1243.
- 99 Makes various changes regarding elections held by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 93, 184, 195, 196, 228, 234, 243,* 1280, 1332.
- 100 Authorizes board of county commissioners to provide by ordinance for payment of travel expenses of members of advisory board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 93, 184, 196, 209, 216,* 217, 1225, 1243.
- 101 Requires inclusion of certain portions of county roads, state highways and railroads in territory annexed by cities in larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 94, 184, 197, 206, 357, 372,* 1280, 1332.
- 102 Makes various changes concerning historic preservation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 94, 173, 181, 187, 199,* 1837, 1982, 1983, 2016.
- 103 Makes various changes to fees charged by justice of the peace and municipal court judge. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 94.
- 104 Makes various changes concerning collection of charges for services provided by certain general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Von Tobel. 94.
- 105 Revises provisions pertaining to explosive and incendiary devices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 94, 330, 355, 357, 444, 449, 450, 469, 582, 653, 669,* 1319, 1471, 1570.
- 106 Makes various changes to provisions governing collection of delinquent fines, administrative assessments, fees and restitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 95.
- 107 Clarifies that person convicted of battery constituting domestic violence within 7 years before or after principal offense has committed prior offense for purposes of determining penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 95, 130, 143, 152,* 362, 378.
- 108 Makes various changes to provisions related to county clerks. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 95, 176, 186, 199,* 1319, 1490.
- 109 Increases number of district judges in eighth judicial district. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Judiciary. 95, 311, 376, 2484.
- 110 Revises provisions governing summoning of jurors by justice's court in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 96, 434, 447, 461,* 1319, 1490.
- 111 Authorizes law enforcement agency to inspect certain records during investigation of senior abuse. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 96.

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- 112 Permits law enforcement agencies to review certain criminal records to determine suitability of applicant for employment as peace officer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 96.
- 113 Provides for issuance of special license plates and souvenir license plates to support preservation and restoration of natural environment of Lower Truckee River and Pyramid Lake and provides for issuance of special license plates for support of rodeos. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Anderson, de Braga, Carpenter, Collins, Dini, Beers, Berman, Buckley, Claborn, Gibbons, Hettrick, Lee, Manendo, Marvel, McClain, Neighbors, Nolan, Smith, Von Tobel. 96, 496, 513, 538,* 1875, 1919, 1924, 1990.
- 114 Makes appropriation to Lander County for design and construction of Battle Mountain Industrial Park. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 96.
- 115 Revises provisions relating to certain accounts of state department of agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 97, 376, 1793, 1795, 1930,* 2036, 2103.
- 116 Makes appropriation to City of Las Vegas for grants to support educational and recreational programs for children after regularly scheduled school days and on weekends. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 97.
- 117 Revises provisions regarding rules adopted by local governments that affect businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater, Beers, Buckley, Carpenter, Collins, Hettrick, Manendo, Marvel, Parks. 97, 173, 181, 187, 199,* 1319, 1490.
- 118 Makes appropriation to University and Community College System of Nevada to provide assistance to university students who are single parents with low incomes. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Leslie, Parnell, Humke, Anderson, Berman, Buckley, Chowning, de Braga, Freeman, Gibbons, Giunchigliani, Koivisto, Manendo, McClain, Smith. 100.
- 119 Makes appropriation to Division of State Parks of State Department of Conservation and Natural Resources for restoration of historic Belmont Court House. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Neighbors, Tiffany, McGinness. 100.
- 120 Revises distribution of federal money received by State of Nevada from lease of federal lands. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Neighbors. 101, 300, 376.
- 121 Makes appropriation to Bureau of Alcohol and Drug Abuse of Department of Human Resources for support of community-based substance abuse prevention programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Leslie, Parks, Parnell, Anderson, Gibbons, Buckley, de Braga, Freeman, Giunchigliani, Koivisto, Manendo, McClain, Smith, Williams. 101.
- 122 Revises provisions relating to payment for sick leave of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. de Braga, Anderson, Berman, Chowning, Collins, Gibbons, Giunchigliani, Humke, Koivisto, Lee, Manendo, Ocegüera, Parks, Smith. 102, 173, 376, 1490, 1495, 1574, 1633, 1635, 1685,* 2415, 2492.
- 123 Revises provisions relating to health insurance provided by public employees' benefits program. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. de Braga, Chowning, Freeman, Gibbons, Anderson, Berman, Claborn, Collins, Giunchigliani, Koivisto, Lee, Manendo, Mortenson, Ocegüera, Parks, Parnell, Smith. 102, 1037, 1038, 1137,* 1612, 2078, 2126, 2127, 2492.
- 124 Requires boards of trustees of certain school districts to provide transportation for certain pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Manendo, Williams, Chowning, Price, Claborn, Anderson, Berman, Buckley, Collins, de Braga, Freeman, Gibbons, Goldwater, Koivisto, Leslie, McClain, Mortenson, Nolan, Parks, Smith, Tiffany. 102, 376, 522, 976, 980, 987.
- 125 Prohibits business from employing, allowing or using person less than 18 years of age to distribute promotional materials that include offer for alcoholic beverages. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Manendo, Anderson, Price, Williams, Chowning, Angle, Berman, Brower, Carpenter, Cegavske, Claborn, de Braga, Freeman, Gibbons, Gustavson, Koivisto, Leslie, McClain, Neighbors, Ocegüera, Parks, Parnell, Von Tobel. 103, 728, 759, 829,* 1875, 1939.

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- 126 Revises provision regarding recording of certain documents relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Bache, Gibbons, Beers, Berman, Buckley, Claborn, Collins, de Braga, Dini, Giunchigliani, Koivisto, Lee, Leslie, Manendo, McClain, Neighbors, Nolan, Smith, Von Tobel. 103, 176, 187, 199,* 1225, 1243.
- 127 Authorizes school districts and charter schools to provide programs of distance education for pupils at risk of dropping out of high school. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Von Tobel, Cegavske, Collins, Gustavson, Hettrick, Nolan, Tiffany, Porter. By request. 103, 976, 980, 988, 1033, 1038, 1131.
- 128 Requires approval by attorney general of certain contracts and leases. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 103, 139, 152, 166,* 1319, 1489, 1490, 1570.
- 129 Limits fees which providers of health services may collect from insured patients under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske, Anderson, Berman, Brown, Buckley, Claborn, Goldwater, Gustavson, Hettrick, Humke, Manendo, Parnell, Smith, Von Tobel, Carlton, Shaffer. 109.
- 130 Requires boards of trustees of school districts to offer certain contracts of employment to probationary administrators and principals who are not reemployed in those capacities as postprobationary employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske, Anderson, Berman, Brown, Claborn, Goldwater, Hettrick, Humke, Smith, Von Tobel, Shaffer. 110, 846, 847, 850, 917,* 1280, 1332.
- 131 Expands authority of counties and cities to abate certain conditions on real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McClain, Parks, Bache, Price, Williams, Anderson, Arberry, Buckley, Chowning, Claborn, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, Neighbors, Nolan, Ocegüera, Parnell, Perkins, Smith, Care, Titus. 110, 925, 926, 949, 1024,* 1873, 2242, 2246.
- 132 Authorizes possession, use, manufacture, purchase, installation, transportation or sale of chlorofluorocarbons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini. By request. 110.
- 133 Requires affidavit in support of action concerning constructional defects against design professional. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini. 110, 752, 756, 777, 786, 1157, 1158, 1168, 1169,* 1170, 1837, 1842, 1848, 1993, 2178, 2413, 2414, 2492.
- 134 Makes various changes concerning assessment imposed by commissioner of insurance upon insurers to pay for program to investigate certain violations and fraudulent acts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini. Perkins. 111, 376, 520, 547, 609, 611, 657,* 1214, 1232.
- 135 Makes various changes to provisions governing investigation and prosecution of insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Dini, Perkins. 111, 465, 502, 583, 653,* 1494, 1565, 1681.
- 136 Requires issuance and display of one license plate for motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson, Humke, Claborn, Collins, Lee, Mortenson, O'Connell, Amodei, McGinness, Townsend. 111.
- 137 Makes changes relating to statutory limitation on total ad valorem tax levy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 111.
- 138 Clarifies formula for determining amount payable by State of Nevada toward cost of insurance for certain retired employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 112, 184, 197, 206.
- 139 Makes appropriation to Clark County for support of Nevada Partnership for Homeless Youth. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Perkins, Manendo, Parks, Williams, Tiffany, Anderson, Arberry, Bache, Beers, Berman, Brower, Buckley, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Gibbons, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parnell, Price, Smith, Von Tobel. 112, 376.
- 140 Requires department of motor vehicles and public safety to provide certain services through Internet. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Williams, Arberry, Chowning. 112.
- 141 Imposes liability on state for certain damages caused by foster children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Williams. 112, 376, 522.

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- 142 Requires superintendent of public instruction, in certain circumstances, to waive passing scores otherwise required on examinations for initial licensure of teachers and other educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 117.
- 143 Makes appropriation to University and Community College System of Nevada for construction of community college in Pahrump. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Neighbors. 117.
- 144 Changes dates for filing of declaration of candidacy for judicial office. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 117.
- 145 Expands program for millennium scholarships to provide for disbursement of scholarships to students of certain additional colleges and universities in this state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brower, Jacobsen. 118.
- 146 Makes appropriation to University of Nevada, Las Vegas, for establishment and operation of center for analysis of crime statistics within Department of Criminal Justice at University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Ocegueda, Anderson, Buckley, Perkins, Arberry, Bache, Brown, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Gibbons, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Nolan, Parks, Price, Smith, Williams. 118, 239, 376.
- 147 Makes appropriation to Department of Education for certain nonprofit public broadcasting stations that primarily serve educational, informational and cultural needs of communities in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Brower, Carpenter, Collins, Freeman, Gustavson, Parks, Wiener. 118, 376.
- 148 Revises provisions regarding certain stays of court proceedings during legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brower. 118, 311, 357, 372,* 1225, 1243.
- 149 Revises provisions governing duty of state apprenticeship council to deny application for approval or suspend, terminate, cancel or place conditions upon approved program of apprenticeship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 118, 452, 481, 505,* 1214, 1232.
- 150 Establishes deemed wage for certain trainees for purpose of industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 119, 184, 197, 209, 217,* 728, 803.
- 151 Revises provisions relating to solicitation by telephone. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 119, 184, 198, 209, 217, 221,* 728, 803.
- 152 Revises provisions governing trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 119, 300, 325, 327, 490, 500, 543, 578,* 1214, 1232.
- 153 Clarifies that appraiser who completes statement of visual condition required for federally insured home loan is exempt from provisions governing inspectors of structures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 119, 173, 181, 187, 199, 200,* 301, 340.
- 154 Revises provisions governing persons who conduct business under assumed or fictitious name. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 120, 443, 456, 489,* 1337, 1486, 1487, 1570.
- 155 Revises provisions governing substitution of subcontractor who is named in bid for public work or improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 120, 607, 611, 626, 691,* 1246, 1276.
- 156 Increases monetary limitation on cost of public works projects used to determine application of requirements concerning payment of prevailing rate of wages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 120.
- 157 Prohibits reporting agencies from imposing charge to provide consumer reports and related information under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. 120.
- 158 Increases tax on transient lodging to fund artistic and cultural programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. 120.
- 159 Requires gaming establishments to designate smoking and nonsmoking areas for each eating and gaming area. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Price. 121.
- 160 Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 121, 520, 548, 601, 602,* 1280, 1332.

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- 161 Extends hours that polls at elections are open for voting. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Parks, de Braga, Koivisto, Price, Bache, Anderson, Chowning, Collins, Giunchigliani, Lee, Leslie, Manendo, McClain, Neighbors, Nolan, Tiffany, Williams. 121.
- 162 Makes various changes to provisions governing theft. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Brown, Ocegueda, Cegavske, Angle, Bache, Brower, Carpenter, Lee, Marvel, Mortenson, Von Tobel, Rawson, Porter, O'Connell. 121, 510, 526, 576,* 1131, 1472, 1943, 1961, 2176, 2178, 2276.
- 163 Makes various changes relating to regional planning in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Freeman, Anderson, Gibbons, Humke, Leslie, Smith. 122, 727, 760, 829,* 1319, 1490.
- 164 Revises requirements for obtaining and removing signatures on petitions for initiatives or referenda. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hettrick, Cegavske, Nolan, de Braga, Gibbons, Anderson, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Chowning, Claborn, Collins, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Ocegueda, Parks, Parnell, Perkins, Price, Von Tobel, O'Connell, Raggio, Washington, Rawson, Porter, Amodei, Care, Coffin, Jacobsen, Mathews, McGinness, O'Donnell, Rhoads, Schneider, Townsend. 122.
- 165 Declares "Silver State Fanfare" as official state march. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brower, Freeman. By request. 122, 224, 236, 243, 244,* 1611, 1791.
- 166 Reduces concentration of alcohol that may be present in blood or breath of person while operating vehicle or vessel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Manendo, Anderson, Claborn, Gibbons, Buckley, Freeman, Koivisto, Lee, McClain, Mortenson, Parks, Price, Smith, Williams. 122, 376, 522, 609, 611, 626.
- 167 Requires certain judicial districts to establish educational seminar for separating parents who are parties in domestic relations matters involving children. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Manendo, Buckley, Bache, McClain, Williams, Anderson, Berman, Carpenter, Claborn, Collins, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Neighbors, Nolan, Ocegueda, Parks, Parnell, Price, Smith. 123, 191, 208, 216, 221, 222*.
- 168 Makes various changes related to smoking and selling tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Price, Brown, Buckley, Gibbons, Gustavson, Humke, Lee, Manendo, Neighbors, Smith, Von Tobel. 123.
- 169 Requires provision of information concerning scientifically reported link between induced abortion and increased rate of breast cancer to women considering abortion. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Brown, Carpenter, Claborn, Collins, Gustavson, Hettrick, Humke, Lee, Manendo, Price, Von Tobel. 123.
- 170 Makes appropriation to City of Las Vegas for California-Nevada Super Speed Ground Transportation Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 123.
- 171 Makes various changes relating to garages for repair of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Chowning, Parks, Dini, Freeman, Cegavske, Anderson, Beers, Brower, Claborn, Collins, de Braga, Gibbons, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Nolan, Ocegueda, Parnell, Price, Smith, Von Tobel, Williams. 124, 285, 309, 327,* 1611, 328,* 1791.
- 172 Revises provisions governing adjutant general and office of the military. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Berman, Carpenter, Claborn, Gustavson, Humke, Lee, Marvel, Mortenson, Tiffany, Von Tobel. 124.
- 173 Expands circumstances under which emergency life-resuscitating treatment may be withheld from patient in terminal condition. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan, Chowning, de Braga, Freeman, Dini, Anderson, Angle, Arberry, Bache, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Claborn, Giunchigliani, Hettrick, Koivisto, Leslie, Manendo, Marvel, Ocegueda, Parks, Price, Smith, Tiffany, Von Tobel, Williams. 125, 533, 552, 558, 608, 691,* 1337, 1473, 1570.
- 174 Authorizes juvenile court to establish program of visitation to office of county coroner and to order child adjudicated delinquent to participate in such program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Nolan. 125, 376, 510, 528, 2034, 2072,* 2224.

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- 175 Requires department of transportation to establish along certain highways system of communication for members of general public to report emergencies and receive information concerning conditions for driving on those highways. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 127, 582, 583, 610, 2049, 2054, 2100, 2101,* 2258.
- 176 Revises provisions relating to carrying out certain programs in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 130, 300, 327, 357,* 1130, 1179.
- 177 Authorizes issuance of general obligation bonds to carry out Environmental Improvement Program in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 131, 300, 327, 357, 376, 1314, 1322,* 1323, 1837, 1939.
- 178 Provides various changes concerning damages that may be awarded in tort actions against certain governmental entities and their officers or employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 131, 376, 522.
- 179 Revises provisions governing annexation of territory by certain incorporated cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 131, 846, 847, 850, 917,* 1793, 2389, 2390.
- 180 Amends charter of City of Henderson to make various changes concerning municipal judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 131, 239, 251, 259, 260, 498, 507,* 1573, 1673, 1791.
- 181 Revises membership of county fair and recreation board in certain less populous counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 132, 224, 236, 244,* 1225, 1243.
- 182 Makes various changes to process of land use planning in certain counties and revises provisions regarding members of town advisory boards in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 132, 805, 806, 807, 902,* 1837, 1910, 1990.
- 183 Makes appropriation to legislative fund for reproduction of older volumes of Nevada Reports and Statutes of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 132, 240, 252, 260,* 1294, 1332.
- 184 Makes appropriation to Clark County School District for creation of pilot program to extend school day of selected middle schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 132, 376, 522.
- 185 Makes appropriation to Lander County for support of Battle Mountain Flood Control Project. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 132.
- 186 Makes appropriation for support of clinical law program at William S. Boyd School of Law in Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 133.
- 187 Makes appropriation to legislative fund for equipment and software for information systems for Legislative Counsel Bureau and Nevada Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 133, 1684, 1687, 1699, 1827,* 2012, 2041.
- 188 Makes appropriations to Clark County School District for expansion of distance education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 133, 376, 522, 1570.
- 189 Makes appropriation to legislative fund for certain maintenance and rehabilitation projects on legislative building. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 133, 1698, 1699, 1728, 1827,* 1828, 2012, 2041.
- 190 Makes appropriation to Clark County Public Education Foundation for support and enhancement of public education in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Arberry, Williams. 136.
- 191 Makes appropriation to Nevada Partners, Inc., for support of Youth/Adolescent Re-Entry Recidivism Diversion Program at Summit View Youth Correctional Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Arberry Jr.. 136.

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- 192 Revises provisions relating to barber schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Arberry Jr.. 136, 541, 589, 653,* 1611, 1660, 1791.
- 193 Makes appropriation to Office of Diversity Initiatives of University of Nevada, Las Vegas, for support of pilot program to increase number of economically disadvantaged persons who complete 4-year college degrees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Arberry, Williams. 137.
- 194 Broadens applicability of laws relating to unlawful employment practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Arberry, Giunchigliani, Williams. 137.
- 195 Revises provisions relating to Nevada silver haired legislative forum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 139, 846, 847, 850, 918,* 1685, 1783, 1786, 1878, 1879, 2038, 2105, 2260, 2367.
- 196 Prohibits department of human resources from considering assets of child or pregnant woman or family of child or pregnant woman to determine eligibility for child health assurance program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 140, 376, 521, 522, 558, 583.
- 197 Requires disclosure to customers of certain information concerning electric services by electric utilities and alternative sellers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Leslie, Bache, Parks, de Braga, Gibbons, Brower, Buckley, Chowning, Freeman, Giunchigliani, Humke, Koivisto, Manendo, McClain, Parnell, Smith, Williams. 140, 433, 448, 449, 578, 602,* 1837, 1939.
- 198 Revises certain provisions relating to inspection of motor vehicles and devices for control of pollution and revises provisions relating to expenditures for air quality. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 140, 847, 853, 918,* 1837, 1913, 1914, 1978, 1980, 2016.
- 199 Revises provisions governing certain accounts, licenses and stamps administered by division of wildlife of state department of conservation and natural resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 140, 542, 590, 601, 610, 1201, 1215, 1248, 1249, 1266,* 1611, 1791.
- 200 Revises provisions governing imposition of civil penalties and administrative fines to enforce certain provisions governing public water systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 141, 466, 504, 515,* 1294, 1332.
- 201 Requires state board of education and school districts to adopt policies encouraging parental involvement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Smith, Gibbons, Parnell, Leslie, Chowning, Bache, Berman, Brown, Cegavske, Claborn, Collins, de Braga, Giunchigliani, Humke, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Ocegueda, Williams. 141, 509, 528, 576, 577,* 1611, 1791.
- 202 Revises provisions governing metropolitan police departments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Bache, Giunchigliani, Perkins, Williams, Berman, Anderson, Buckley, de Braga, Lee, Leslie, Manendo, Mortenson, Parks, Tiffany, Von Tobel, O'Connell, Wiener, Titus, Schneider, Shaffer. 141, 230, 242, 254,* 1793, 1939.
- 203 Revises provisions governing manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 141, 520, 559, 602,* 1225, 1243.
- 204 Provides that knowing falsification of application for credit relating to retail installment transaction is deceptive trade practice and requires award of court costs and attorney's fees to certain victims of consumer fraud. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 142, 581, 611, 691,* 1225, 1243.
- 205 Makes various changes concerning state board of equalization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gibbons, Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Parks, Smith, Neal, Shaffer. 142, 542, 593, 653, 654*.
- 206 Revises provisions governing mandated benefits for health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Commerce and Labor. 142, 376, 522.

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- 207 Imposes certain restrictions and requirements upon transfer and titling of, and requires certain notices and disclosures regarding, motor vehicles that have sustained certain damages. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Buckley, Arberry, Dini, Anderson, Gibbons, Angle, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 144, 845, 895, 917, 981, 1032,* 1033.
- 208 Revises provisions governing regulation of certain events in which animals are used. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Collins, Claborn, de Braga, Von Tobel, Anderson, Angle, Arberry, Beers, Brown, Carpenter, Cegavske, Chowning, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Williams, O'Connell, Rawson, Amodei, Neal, Coffin, Jacobsen, Mathews, McGinness, O'Donnell, Raggio, Rhoads, Schneider, Shaffer, Washington. 144, 582, 613, 691,* 692.
- 209 Makes appropriation to Welfare Division of Department of Human Resources to increase temporarily population which is eligible to qualify for assistance from Low-Income Home Energy Assistance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Parnell, Leslie, Smith, Gibbons, Williams, Anderson, Arberry, Bache, Berman, Buckley, Chowning, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Manendo, McClain, Neighbors, Parks, Perkins. 152, 1878, 1881, 1882, 1948,* 2078, 2223.
- 210 Increases authorized term for lease of county property for use as airport, airport facility or airport service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 152, 192, 208, 217, 221,* 222, 1337, 1570.
- 211 Revises provisions governing election of candidate to partisan office. Fiscal Note: Effect on Local Government: No. Effect on the State: No. de Braga, Gibbons, Neighbors, Parks, Bache, Beers, Carpenter, Cegavske, Chowning, Claborn, Collins, Goldwater, Koivisto, Lee, Marvel, McClain, Ocegüera, Parnell, Price. 161.
- 212 Makes appropriation to Churchill County for expenses related to operation of veterans' field service office in Churchill County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. de Braga, Gibbons, Neighbors, Manendo, Bache, Beers, Buckley, Carpenter, Chowning, Claborn, Collins, Giunchigliani, Goldwater, Koivisto, Lee, McClain, Nolan, Ocegüera, Parks, Parnell. 162.
- 213 Revises provisions governing discipline of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 162, 607, 611, 627, 725, 737.
- 214 Establishes certain requirements pertaining to certain examinations administered in public schools and reporting of alleged irregularities concerning such examinations. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Education. 162, 376, 522, 607, 611, 627, 725, 738,* 1337, 1567, 1570, 1681.
- 215 Makes appropriation to City of Las Vegas for continued support of Child Care Improvement Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Williams, Leslie. 162.
- 216 Makes appropriation for costs relating to coordination of efforts to attract biotechnological companies to this state. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Berman, Angle, Arberry, Bache, Beers, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Price, Tiffany, Von Tobel, Rawson. 163.
- 217 Repeals certain provisions that prohibit payment of death benefit under industrial insurance to surviving spouse who remarries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 163, 490, 504, 516*.
- 218 Makes various changes relating to use of design-build teams for public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 163, 164.

- No. Summary, Introducer and Page Reference*
- 219 Directs Legislative Committee on Public Lands to take certain actions relating to wild horses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley, Cegavske, Anderson, Arberry, Bache, Beers, Berman, Brown, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Ocegvera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Titus, O'Donnell, Neal, Wiener, Carlton, Amodei, Care, Coffin, James, Schneider, Shaffer, Townsend, Washington. 164, 342, 369, 378, 393,* 1837, 1910, 1912, 2105, 2133, 2136, 2153, 2367.
- 220 Revises provisions governing duties of certain peace officers when certain felonies are committed or attempted in their presence or in area that is within their jurisdiction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 164, 660, 668, 670, 738,* 1873, 1925, 1926, 1990.
- 221 Authorizes expenditures from state distributive school account for certain remedial and tutoring programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 164, 376, 522, 659, 668, 671.
- 222 Revises provisions governing membership of commission on professional standards in education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 164, 376, 522.
- 223 Authorizes commission on professional standards in education to provide exemption for certain persons from examinations required for initial licensure of educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 165, 419, 440, 450, 461,* 848, 972.
- 224 Makes various changes regarding charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 165, 376, 522.
- 225 Makes various changes to provisions regarding meetings of public bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Freeman, Anderson, Gibbons, Williams, Chowning, Arberry, Bache, Beers, Berman, Buckley, Collins, Giunchigliani, Goldwater, Humke, Lee, Leslie, Manendo, Nolan, Parks, Parnell, Price, Smith, Tiffany, Rawson, Schneider, Neal, O'Connell, Townsend, Amodei, Mathews, Shaffer. 165, 925, 926, 954, 1024, 1025,* 1873, 1983, 1984, 2016.
- 226 Makes various changes relating to treatment of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Berman, Cegavske, Hettrick, Lee, Price, Washington. 165, 976, 980, 995, 1033, 1132.
- 227 Revises definition of committee for political action. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 174, 608, 611, 637, 669, 981, 1025, 1137,* 1793, 1939.
- 228 Provides for annual adjustment of compensation for legislators based on consumer price index. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Freeman, Giunchigliani, Anderson, Beers, Brown, Collins, Mortenson, Nolan, Parks. 174, 376.
- 229 Revises requirements for issuance of special license plates for motor vehicles and administration of certain fees collected for such license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Bache, Perkins, Leslie, Gibbons, Giunchigliani, Anderson, Arberry, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Claborn, Collins, Freeman, Goldwater, Hettrick, Humke, Koivisto, Lee, McClain, Mortenson, Neighbors, Nolan, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Williams, Wiener, Neal, Care, Rawson, O'Connell, Amodei, Carlton, Coffin, Mathews, McGinness, Porter, Schneider, Shaffer, Titus. 174, 510, 529, 577,* 1875, 1974, 1975, 2016.
- 230 Makes various changes relating to protection of cultural resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mortenson, de Braga, Chowning, McClain, Rawson, Rhoads. 177, 376, 496, 513, 514, 2379, 2382, 2418, 2482*.
- 231 Revises various provisions concerning certain wells. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson, Bache, Rawson. 177.
- 232 Establishes judicial retirement system for certain justices of the supreme court and district court judges. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 178, 376, 2247, 2294, 2358,* 2415, 2492.
- 233 Makes supplemental appropriation to Department of Administration for estimated shortfall in Integrated Financial System resulting from required accounting changes. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 178.

- No. Summary, Introductor and Page Reference*
- 234 Makes supplemental appropriations to Department of Motor Vehicles and Public Safety for shortfalls in budgets of Division of Parole and Probation, Field Services, Central Services, Parole Board, Division of Compliance Enforcement and Hearings Office. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 178, 1336, 1391, 1392, 1532,* 1943, 2363.
- 235 Makes supplemental appropriation to Department of Business and Industry for unanticipated shortfall in money budgeted for meeting expenses and salaries for personnel in Nevada Athletic Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 178, 1490, 1497, 1590,* 1591, 1943, 2016.
- 236 Makes appropriation to Department of Motor Vehicles and Public Safety for funding of shortfalls resulting from 1998 reclassification of personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 178, 578, 594, 600, 654,* 1181, 1191.
- 237 Makes supplemental appropriation to District Judges' Salaries and Judicial Pensions Fund for shortfall in money budgeted for retirement benefits and pensions for District Judges and widows. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 179, 1214, 1225, 1239,* 1573, 1681.
- 238 Exempts certain property owned by or leased or rented to charter school from property taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Brower, Washington. 179.
- 239 Authorizes board of county commissioners to impose additional fee for filing certain actions and responses thereto in district courts and justices' courts to offset costs of providing pro bono programs and of providing legal services without charge to abused or neglected children and victims of domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 179, 453, 481, 505,* 506, 1875, 1926, 1990.
- 240 Revises provisions governing unauthorized practice of law. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Angle, Price, Gibbons, Hettrick, Humke, Tiffany, Von Tobel. 180.
- 241 Requires Director of Department of Prisons to establish pilot program to improve literacy of offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Angle. 180, 376, 522.
- 242 Provides that certain instructors for schools for training drivers are not required to complete requirements for continuing education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel, Chowning. 180, 542, 594, 654,* 1685, 1786, 1787, 1876.
- 243 Proposes to exempt from sales and use tax sale of farm machinery and equipment, and provides such exemption from certain analogous taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Dini, de Braga, Marvel, Carpenter, Neighbors, Goldwater, Hettrick. 180, 977, 980, 995, 1137,* 1337, 1470, 1471, 1570.
- 244 Makes appropriation to Department of Education for distribution to Boulder City High School for purchase of computer equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Chowning, de Braga, Gibbons, Claborn, Collins, Freeman, Goldwater, Koivisto, Manendo, McClain, Neighbors, Nolan, Parks, Perkins. 180, 376.
- 245 Makes various changes relating to advertising and charges by certain tour brokers and tour operators and requires certain tour brokers and tour operators to deposit security. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Chowning, Anderson, Arberry, Brown, Carpenter, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Manendo, Marvel, McClain, Neighbors, Nolan, Parks, Perkins, Smith. 181, 976, 980, 999, 1097, 1119, 1137,* 1611, 1675, 1680, 1791.
- 246 Revises provisions regarding registration of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McClain, Koivisto, Manendo, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Lee, Leslie, Marvel, Mortenson, Neighbors, Nolan, Ocegueda, Parks, Parnell, Perkins, Price, Smith, Tiffany, Williams, Carlton, Amodei, Care, O'Donnell, Schneider, Shaffer, Titus, Wiener. 185, 609, 611, 639, 669, 756, 797, 829,* 1873, 1924, 1925, 2018, 2019, 2176, 2367, 2415, 2416.
- 247 Repeals provisions that limit liability of insurer or third-party administrator for certain violations relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 185.

- No. Summary, Introducer and Page Reference*
- 248 Requires adoption of regulations governing provision of certain information to foster or adoptive parents and revises certain provisions governing procedures for protection of children from abuse and neglect. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 185, 846, 847, 853, 918,* 1837, 1964, 1966, 2016.
- 249 Authorizes certain insurers to offer policies of insurance covering employees for both work-related and nonwork-related illnesses and injuries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Bache. 192.
- 250 Requires screening of newborn children for hearing impairments under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Leslie, McClain, Manendo, Anderson, Freeman, Koivisto, Parnell, Smith, Tiffany, Williams, Care. 192, 376, 521, 522, 561, 584, 1336, 1391, 1468, 1532,* 2078, 2083, 2084, 2223.
- 251 Makes appropriation to Department of Education for teachers to obtain endorsements to teach English as a second language. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Smith, Leslie, Chowning, de Braga, McClain, Anderson, Bache, Berman, Claborn, Collins, Freeman, Gibbons, Giunchigliani, Koivisto, Manendo, Ocegüera, Williams. 192.
- 252 Revises provisions governing certain county fire protection districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brower, Jacobsen. 193, 224, 236, 244,* 728, 803.
- 253 Enacts Uniform Athletes' Agents Act. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Cegavske, Hettrick, Von Tobel, Brown, Anderson, Angle, Arberry, Bache, Berman, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Williams, O'Donnell, Neal, Carlton, McGinness, Titus, Washington. 193, 846, 847, 855, 918,* 1611, 1674, 1791.
- 254 Makes various changes to provisions governing marriage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. By request. 193, 846, 847, 855, 918,* 919.
- 255 Makes appropriation to Alzheimer's Association - Southern Nevada Chapter for implementation of Safe Return Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Koivisto, McClain, Claborn, Carpenter, Ocegüera, Anderson, Arberry, Bache, Chowning, Collins, de Braga, Dini, Gibbons, Giunchigliani, Leslie, Manendo, Nolan, Parks. 194.
- 256 Increases annual salaries of certain elected county officers and repeals prospectively longevity payments for those officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 194, 1038, 1044, 1136, 1137.
- 257 Revises provisions governing Virgin Valley Water District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Von Tobel. 194, 224, 236, 244,* 1611, 1791.
- 258 Authorizes certain authorized inspection stations to perform certain work on certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gibbons, Anderson, Angle, Bache, Beers, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, de Braga, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Parks, Price, Smith, Von Tobel, Williams, McGinness. 206.
- 259 Revises certain provisions governing warrantless arrests. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. McClain, Koivisto, Leslie, Smith, Ocegüera, Anderson, Arberry, Bache, Berman, Brower, Buckley, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Gibbons, Giunchigliani, Hettrick, Humke, Lee, Manendo, Mortenson, Neighbors, Nolan, Parnell, Tiffany, Williams. 206, 805, 806, 809, 902,* 1875, 1939.
- 260 Makes appropriation for support of historical book to be published by Women's Research Institute of Nevada of University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. McClain, Koivisto, Buckley, Anderson, Arberry, Bache, Berman, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Hettrick, Humke, Lee, Leslie, Manendo, Mortenson, Neighbors, Parnell, Perkins, Smith, Tiffany, Von Tobel, Williams, Titus, Care, Carlton, Mathews, Wiener. 207.
- 261 Revises provisions regarding tax on motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Angle, Nolan. 207.
- 262 Makes appropriation to City of Las Vegas for initial development of equestrian arena and rodeo facility to be situated adjacent to Floyd Lamb State Park. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Collins, Von Tobel. 207.

- No. Summary, Introducer and Page Reference*
- 263 Authorizes director of department of motor vehicles and public safety to enter into contracts with persons to carry out certain duties of department. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Angle, Carpenter, Gustavson, Nolan. 207.
- 264 Authorizes counties to designate certain shelters as approved youth shelters for runaway or homeless youths. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley, Tiffany, Parks, Manendo, Koivisto, Giunchigliani, Anderson, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Lee, Marvel, McClain, Mortenson, Neighbors, Ocegueda, Parnell, Perkins, Price, Smith, Von Tobel. 208, 452, 482, 506,* 1611, 1791.
- 265 Requires administration of certain examinations to determine reading level of certain pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Gustavson, Angle, Beers, Claborn, Collins, Gibbons, Lee, Manendo, Nolan. 208.
- 266 Makes various changes regarding notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 209, 239, 240, 343, 371, 516, 518,* 1294, 1332.
- 267 Provides for creation of statue of Sarah Winnemucca for placement in National Statuary Hall Collection in United States Capitol. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. de Braga, Gibbons, Dini, Cegavske, Anderson, Bache, Berman, Brown, Buckley, Carpenter, Chowning, Claborn, Freeman, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Ocegueda, Parks, Parnell, Price, Smith, Von Tobel, Williams. 215, 362, 378, 393,* 1611, 1791.
- 268 Makes appropriation for preparation of plan for development and management of tourism assets within proposed Great Basin National Heritage Area. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. de Braga, Price, Anderson, Arberry, Bache, Berman, Buckley, Claborn, Collins, Dini, Freeman, Gibbons, Giunchigliani, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Parks, Parnell, Smith, McGinness. 215.
- 269 Makes appropriation to Division of State Parks of State Department of Conservation and Natural Resources for use by Tule Springs Preservation, Inc. to restore "Old Adobe" building at Floyd R. Lamb State Park. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Von Tobel, Collins, Price, Anderson, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, de Braga, Dini, Gibbons, Gustavson, Hettrick, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegueda, Parks, Smith, Tiffany. 215.
- 270 Makes appropriation to Science and Technology Regional Development Corporation for preconstruction planning for Desert Space Station Science Museum. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Neighbors. 218.
- 271 Revises provisions concerning education and training of drivers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Humke, Gibbons, Von Tobel, Bache, Beers, Dini, Goldwater, McClain, Mortenson, Neighbors, Price, Williams. 219, 846, 847, 859, 919,* 1494, 2097, 2100, 2174, 2227, 2364, 2367, 2492.
- 272 Revises provisions governing calculation of basic support of school districts to provide money for maintenance and repair of school buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 219, 522.
- 273 Makes certain appropriations to State Department of Agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 219, 1490, 1497, 1591,* 1943, 2016.
- 274 Makes appropriation to account for local cultural activities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 219.
- 275 Makes appropriation to Eureka County for construction of sidewalk along State Highway No. 780 to provide safe access for pupils walking to Eureka Elementary School. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Marvel, Rhoads. 220.
- 276 Converts offices of mayor and city councilmen to partisan offices. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 220.

- No. Summary, Introductor and Page Reference*
- 277 Enacts provisions governing confidentiality of certain information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 220, 542, 594, 654,* 1337, 1472, 1473, 1570.
- 278 Authorizes Office of Veterans' Services to accept gifts and grants for support of World War II Memorial Campaign. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Carpenter, McClain, Nolan, Neighbors, Marvel, Anderson, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Humke, Koivisto, Lee, Leslie, Manendo, Mortenson, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Amodei, Wiener, Rawson, Jacobsen, McGinness, Townsend. 220, 1336, 1391, 1393, 1532,* 1837, 1939.
- 279 Provides for availability of industrial insurance benefits to employees for exposure to certain contagious diseases. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Leslie, Gibbons, Giunchigliani, Goldwater, Parks, Anderson, Buckley, Carpenter, Chowning, Collins, Freeman, Humke, Koivisto, Manendo, McClain, Neighbors, Ocegüera, Parnell, Price, Smith, Williams. 225, 659, 736, 756, 829, 834,* 1337, 1487, 1570.
- 280 Makes contingent appropriation to State Public Works Board for construction of Hi-Tech Learning Center in Douglas County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Hettrick, Jacobsen, Amodei. 225.
- 281 Makes appropriation to Indian Springs Town Advisory Board for replacement of recreational equipment at Indian Springs Civic Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Von Tobel. 225.
- 282 Revises provisions governing use of polygraphic examinations for peace officers and as part of investigation of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Bache. 225, 977, 980, 1004, 1140,* 1837, 1939.
- 283 Makes appropriations to Newlands Project Water Rights Fund and Truckee-Carson Irrigation District for certain expenses relating to water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Natural Resources, Agriculture, and Mining. 225.
- 284 Revises provisions governing emissions from certain heavy-duty motor vehicles and construction equipment. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 226.
- 285 Provides for appeal of decision of appointing authority regarding use of catastrophic leave by state employee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parnell, Bache, Smith, Gibbons, Koivisto, McClain, Ocegüera, Parks. 226, 443, 456, 610, 1314, 1321, 1457,* 1458, 1993, 2041.
- 286 Makes appropriation to Carson City for creation of team of personnel to serve as central clearinghouse for mental health assessments and coordination of services for mentally ill. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Parnell, Brower, Dini, Gibbons, Hettrick, Koivisto, McClain, Parks. 226.
- 287 Makes appropriation to Washoe County School District for support of preschool program for non-English speaking children offered by The Children's Cabinet at Incline Village, Inc. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Brower. 226.
- 288 Makes appropriation to Lincoln County for improvement of facilities at fairgrounds in Panaca and in Caliente. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Collins, Neighbors, McGinness. 227.
- 289 Expands definition of "police officer" for various purposes relating to industrial injuries, occupational diseases and programs for public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 227, 751, 756, 787, 829, 830,* 1573, 1681.
- 290 Revises provisions relating to osteopathic medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 227, 433, 449, 461,* 1225, 1243.
- 291 Imposes additional fee for processing application for game tag for support of programs to control predators and protect wildlife habitat. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, Carpenter, Collins, Marvel, Neighbors, Anderson, Bache, Brown, de Braga, Humke, Lee, McClain, Mortenson, Parnell. 227, 542, 594, 601, 610, 1201, 1217,* 1573, 1681.
- 292 Revises provisions relating to sale and maintenance of equipment for liquefied petroleum gas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Hettrick. 228.

No.

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- 293 Authorizes board of county commissioners and governing body of city that initially formed consolidated library district to adopt resolutions which support or oppose in whole or in part proposal for issuance of bonds for consolidated library district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Williams, Arberry, Bache, Berman, Cegavske, Chowning, Gibbons, Giunchigliani, Gustavson, Hettrick, Humke, Lee, Manendo, Nolan, Oceguela, Parnell, Price, Smith, Von Tobel. 228, 521, 563, 602,* 603, 1130, 1179.
- 294 Revises provisions pertaining to sealing of juvenile records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Bache. 232, 805, 806, 810, 902, 903,* 1611, 1656, 1657, 1791.
- 295 Revises provisions governing participation in elections by elderly and disabled persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Elections, Procedures, and Ethics. 232, 660, 668, 671, 738,* 739, 1875, 1939.
- 296 Enacts provisions governing licensing and operation of interactive gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Berman, Gibbons, Manendo, Beers, Ohrenschall, Angle, Bache, Brower, Carpenter, Cegavske, Chowning, Claborn, Collins, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Lee, Leslie, Marvel, McClain, Mortenson, Nolan, Oceguela, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Williams, Schneider, Carlton, Amodei, Shaffer, Wiener. 232, 846, 847, 860, 919,* 924, 982, 1033.
- 297 Makes various changes regarding educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Anderson, Parnell, Williams, Leslie, Goldwater, Arberry, Bache, Berman, Buckley, Chowning, Claborn, Collins, Dini, Giunchigliani, Humke, Koivisto, Manendo, Oceguela, Ohrenschall, Parks, Perkins, Smith. 233, 376, 522, 659, 668, 675, 676, 689, 1319, 1458, 1490, 1533, 1591*.
- 298 Provides for establishment of registry of putative fathers for purposes of adoption of children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Collins. By request. 233.
- 299 Revises provisions relating to ballot questions and petitions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson. 233, 520, 564, 603,* 1294, 1332.
- 300 Creates revolving fund for construction and repair of school buildings and facilities and authorizes issuance of general obligation bonds under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 234, 376, 2275, 2279, 2379, 2388*.
- 301 Repeals provisions relating to woolen products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 240, 300, 327, 357, 358,* 1225, 1243.
- 302 Makes various changes relating to practice of Oriental medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 241, 1037, 1038, 1047, 1140,* 1611, 1659, 1791, 1944.
- 303 Makes appropriations for support of Southern and Northern Nevada Writing Projects and for support of nonprofit service agencies in Clark County that offer homeless prevention assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Chowning, Parks, de Braga, Ohrenschall, Manendo, Anderson, Arberry, Bache, Beers, Berman, Brown, Buckley, Cegavske, Claborn, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Parnell, Price, Smith, Tiffany, Von Tobel, Williams. 241.
- 304 Limits amount of money that certain resident agents may receive as commission for countersigning policy of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brower. 241.
- 305 Prohibits video voyeurism and distribution of product of video voyeurism. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Cegavske, Gustavson, Angle, Berman, Brown, Carpenter, Chowning, Claborn, Collins, Hettrick, Lee, Leslie, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Amodei, O'Donnell. 241, 452, 483, 506,* 1794, 1821, 1822, 2043, 2050, 2414.
- 306 Revises provisions concerning interception and disclosure of wire, radio or oral communications. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 242, 1248.
- 307 Makes appropriation to Keystone Academy for costs relating to its programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Von Tobel. 242.
- 308 Revises provisions concerning waiver by juveniles of right to counsel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Tiffany, Cegavske, Arberry, Beers, Berman, Brower, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, Freeman, Gibbons, Hettrick, Koivisto, Lee,

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- Leslie, Manendo, Marvel, Mortenson, Neighbors, Parks, Parnell, Smith, Von Tobel, Wiener. 242, 728, 760, 830,* 1611, 1927, 1990.
- 309 Repeals provisions that require commissioner of insurance to assign actuary to review establishment of certain rates of assessment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 244.
- 310 Makes various changes to provisions governing landscape architects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 245, 419, 440, 450, 461, 462,* 1225, 1243.
- 311 Revises provisions governing educational personnel and basic support guarantee for special education. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Giunchigliani, Anderson, Bache, Parnell, Gibbons, Arberry, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Goldwater, Lee, Leslie, Manendo, McClain, Neighbors, Ocegüera, Ohrenschall, Parks, Perkins, Price, Smith, Williams. 249, 608, 610, 659, 666, 669, 1698, 1699, 1774, 1828*.
- 312 Revises provisions governing concession agreements entered into by Airport Authority of Washoe County. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gibbons, Berman, Brown, Cegavske, Chowning, Claborn, Freeman, Gustavson, Hettrick, Humke, Mortenson, Nolan, Smith. 250.
- 313 Creates statutory presumptions that hepatitis is occupational disease for certain employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Ocegüera, Gibbons, Goldwater, Buckley, Manendo, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Amodi, Carlton, Titus, Porter, Care, Coffin, Jacobsen, James, Mathews, McGinness, Neal, Raggio, Rawson, Rhoads, Schneider, Shaffer, Washington, Wiener. 250, 381, 522, 541, 595, 601, 1289, 1314, 1323,* 1837, 1888, 1890, 1990.
- 314 Makes various changes concerning collection of debts owed to state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 250, 805, 806, 810, 847, 1131, 1135, 1157,* 1837, 1909, 1990.
- 315 Requires offender convicted of first offense of driving under influence of intoxicating liquor or controlled substance to attend program of treatment when concentration of alcohol in blood or breath of offender is 0.18 or more. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Parks, Manendo, Arberry, Gibbons, Ohrenschall, Anderson, Bache, Beers, Buckley, Chowning, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Leslie, McClain, Mortenson, Neighbors, Ocegüera, Perkins, Price, Smith, Williams. 251, 521, 570, 572, 609, 611, 657,* 1875, 1926, 1990.
- 316 Provides that once person has been convicted of felony for operating vehicle or vessel while under influence of alcohol or controlled substance any subsequent violation is treated as felony. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Manendo. By request. 251, 659, 660.
- 317 Makes various changes relating to library districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Collins. 254.
- 318 Provides for development and distribution of certain information relating to high school proficiency examination. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 254, 443, 456, 469, 982, 1025, 1028, 1141,* 1494, 1681.
- 319 Makes various changes to provisions governing education. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Giunchigliani, Anderson, Bache, Gibbons, Manendo, Arberry, Berman, Buckley, Cegavske, Claborn, Collins, de Braga, Dini, Freeman, Goldwater, Koivisto, Leslie, McClain, Mortenson, Neighbors, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Smith, Williams. 255, 381, 522, 660, 668, 676, 1493, 1525, 1575, 1881, 1933, 1948*.
- 320 Revises certain provisions regarding motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Buckley. 257, 542, 597, 655,* 1875, 1925, 1990.
- 321 Makes appropriation to Department of Museums, Library and Arts for support of Nevada Ballet Theatre, Inc., for its cultural and educational outreach program for schools, dance students and theater audiences. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Mortenson, Arberry, Parks, Giunchigliani, Berman, Anderson, Bache, Beers, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Hettrick, Humke, Koivisto, Lee, Manendo, McClain, Neighbors, Nolan, Ocegüera, Ohrenschall, Perkins, Price, Smith, Von Tobel, Coffin, Rawson, Schneider, Neal, Jacobsen, Shaffer. 258.

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- 322 Limits payment of compensation for subsequent injuries from subsequent injury fund for private carriers to injuries that occur before certain date and eliminates fund upon occurrence of certain conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 258.
- 323 Revises provisions regarding rights of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Chowning. By request. 258.
- 324 Revises various provisions regarding regulation of mortgage brokers and mortgage agents. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goldwater, Dini, Cegavske, Parks, Manendo, Berman, Buckley, Freeman, Lee, Smith. 259, 1097, 1138, 1156, 1622, 1624, 1685,* 1686, 2134, 2137, 2153, 2492.
- 325 Revises provisions concerning rule against perpetuities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater, Parks. 259, 434, 449, 462,* 1611, 1782, 1783, 1876.
- 326 Requires local governments to disclose certain expenses relating to lobbying. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater, Beers, Parks, Cegavske, Chowning, de Braga, Dini, Giunchigliani, Hettrick, Leslie, Marvel, Tiffany, Williams, O'Connell, Titus. 264, 465, 504, 516,* 1837, 1980, 1982, 2078, 2223.
- 327 Revises order in which arguments must be presented during penalty hearing in cases where death penalty is sought. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani, Leslie, Anderson, Arberry, Bache, Oceguela, Williams, Neal. 265, 728, 760, 830*.
- 328 Makes various changes concerning sealing of criminal records and restoration of civil rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani, Anderson, Arberry, Bache, Freeman, Goldwater, Oceguela, Williams, Neal. 265, 805, 806, 812, 847, 1020, 1021, 1141,* 1873, 1927, 1928, 1990.
- 329 Authorizes advertising in certain public buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan. 265.
- 330 Makes various changes concerning prisons. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Nolan. 265, 381, 522, 805, 806, 814, 815.
- 331 Makes various changes concerning dissemination of records of criminal history by central repository for Nevada records of criminal history. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Nolan. 266, 846, 847, 865, 919*.
- 332 Provides for establishment of voluntary protection program for occupational safety and health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Nolan. 16, 79, 266.
- 333 Prohibits person from interfering with certain emergency medical attendants while rendering assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. de Braga, Price, Neighbors, Bache, Brown, Collins, Freeman, Gustavson, Koivisto, Lee, Manendo. 266.
- 334 Makes various changes relating to safety of carnival rides. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Leslie, Cegavske, Chowning, de Braga, Gibbons, Anderson, Bache, Brower, Claborn, Freeman, Giunchigliani, Gustavson, Hettrick, Humke, Nolan, Parnell, Smith. 267.
- 335 Requires commissioner of financial institutions to take certain actions against unlicensed persons who engage in activities relating to collection of debts for which license is required. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Hettrick. 267, 381, 520, 522, 572, 583, 605, 609, 657,* 1225, 1243.
- 336 Requires provision of certain information and assistance to certain adoptive parents, prospective adoptive parents and other persons involved in adoption of child. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Dini, Parks, Giunchigliani, Ohrenschall, Manendo, Anderson, Arberry, Bache, Buckley, Chowning, Claborn, Collins, de Braga, Freeman, Goldwater, Koivisto, Lee, Leslie, McClain, Mortenson, Neighbors, Oceguela, Parnell, Perkins, Price, Smith, Williams. 267, 660, 668, 677, 739,* 1494, 1565, 1566, 1567, 1681.
- 337 Revises provisions relating to deceptive trade practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 267, 581, 614, 725, 739,* 1294, 1309, 1332.
- 338 Makes various changes concerning workers' compensation. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Bache. 268, 751, 756, 787, 830,* 1794, 1890, 1892, 1990.
- 339 Revises provisions relating to practice of Oriental medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 268.

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- 340 Requires allocation of money from account for low-income housing for model demonstration project to provide assisted living center for senior citizens in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Buckley, Manendo, McClain, Claborn, Ocegüera, Arberry, Bache, Brown, Chowning, Collins, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Nolan, Parks, Price, Williams, Care, Wiener, Titus. 268, 2102, 2120*.
- 341 Creates state board to review certain increases in rent relating to mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley, Manendo, Ohrenschall, McClain, Claborn, Anderson, Arberry, Bache, Chowning, Collins, Freeman, Giunchigliani, Koivisto, Nolan, Ocegüera, Parks, Price, Williams, Titus, Care, Wiener. 269, 581, 614, 725, 739, 917, 925*.
- 342 Authorizes division of child and family services of department of human resources to enter into agreements for provision of maintenance and other services with certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 269, 286, 522.
- 343 Provides for integration of state and local child welfare services. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 269, 381, 453, 483, 488, 1943, 1946, 1951, 2000, 2092, 2120, 2121, 2122,* 2415, 2492.
- 344 Revises definition of criminal assault. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parnell, Gibbons, Smith, de Braga, Bache, Brower, Buckley, Giunchigliani, Lee, Leslie, McClain, Neighbors, Amodei. 269, 420, 440, 450, 462,* 1611, 1657, 1659, 1791.
- 345 Requires insurer to submit written report concerning claims for compensation for certain occupational diseases to administrator of division of industrial relations of department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goldwater, Parks, Ocegüera, Buckley, Manendo, Gibbons, Giunchigliani, Leslie. 270, 727, 761, 830,* 831, 1337, 1487, 1488, 1570.
- 346 Provides for establishment of pilot program in southern Nevada for provision of program of intensive and integrated community services to adults who are seriously mentally ill and homeless. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Tiffany, Leslie, Berman, Gibbons, Angle, Bache, Beers, Brown, Cegavske, Chowning, Collins, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Parks, Price, Von Tobel, Williams. 270, 381, 2379, 2380, 2418, 2482*.
- 347 Clarifies authority of captive insurer to provide industrial insurance and authorizes participation in Nevada insurance guaranty association. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. By request. 270.
- 348 Makes appropriation to City of Las Vegas for enhancement and implementation of a hydrogen reformer, fuel cell generator and hydrogen vehicle refueling system to provide improved air quality and public health. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Parks, Leslie, Gibbons, Beers, Bache, Anderson, Arberry, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Ocegüera, Ohrenschall, Parnell, Perkins, Price, Smith, Williams, Titus, Schneider, Care, Coffin, Shaffer. 271.
- 349 Establishes universal energy charge to fund low-income energy assistance and conservation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goldwater, Parnell, Gibbons, de Braga, Bache, Anderson, Arberry, Buckley, Claborn, Collins, Dini, Freeman, Giunchigliani, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Ocegüera, Parks, Perkins, Price, Smith, Williams. 271, 1143, 1158, 1169*.
- 350 Makes appropriation for partial support of Federally Qualified Community Health Centers that provide primary health care to uninsured residents of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Freeman, Leslie, Parnell, Gibbons, de Braga, Anderson, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, Giunchigliani, Goldwater, Humke, Lee, Manendo, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Smith, Tiffany, Von Tobel, Williams, Mathews, Neal, Coffin. 271.
- 351 Makes various changes regarding delegation by school district of its responsibility for management of public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Williams, Bache, Arberry, Manendo, Ohrenschall, Anderson, Buckley, Chowning, Claborn, de Braga, Giunchigliani, Goldwater, Koivisto, Leslie, McClain, Ocegüera, Parks, Parnell. 271, 581, 614, 618, 789, 799, 827, 981, 1033.

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- 352 Makes appropriation to Boulder City Museum and Historical Association for acquisition of new exhibits, maintenance of existing collections, computerization of records of its collections and costs related to the display of historic artifacts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Williams, Parks, Brown, Cegavske, Chowning, de Braga, Freeman, Hettrick, Parnell, Smith. 272.
- 353 Prohibits sentence of death for person who is mentally retarded. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Leslie, Anderson, Giunchigliani, Arberry, Williams, Neal. 277, 805, 806, 815, 903*.
- 354 Provides for genetic marker analysis of certain evidence related to conviction of certain offenders sentenced to death. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Price, Brown, Chowning, Manendo. 277, 381, 522.
- 355 Provides for establishment of minimum standards for education, training and certification of electricians. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Price, Claborn, Collins, Freeman, Lee, Parks. 277.
- 356 Makes various changes regarding public employees' retirement system. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Oceguera, Anderson, Bache, de Braga, Parks, Arberry, Buckley, Claborn, Collins, Dini, Gibbons, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Nolan, Perkins, Smith, Williams. 278, 381, 522.
- 357 Revises provisions governing organization and membership of state board of education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hettrick, Cegavske, Berman, Brower, Brown, Claborn, de Braga, Freeman, Gibbons, Humke, Nolan, Parks, Tiffany, Von Tobel, Williams. 278.
- 358 Transfers duty to certify state payrolls from director of department of personnel to state controller. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Berman, Cegavske, Claborn, Gibbons, Hettrick, McClain, Mortenson, Tiffany, Von Tobel. 278.
- 359 Makes appropriation to Interim Finance Committee for expenses relating to investigation of leukemia cluster in Fallon. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 278.
- 360 Makes appropriation to Department of Administration for support of amateur athletics and recreational programs in City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 278.
- 361 Revises provisions governing tax on net proceeds of minerals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 279, 510, 530, 577,* 1294, 1309, 1332.
- 362 Revises provisions regarding smoking of tobacco in public areas. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Marvel. By request. 279.
- 363 Allows patient to obtain his health care records without charge under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Giunchigliani, Leslie. 279, 281, 541, 597, 655,* 1337, 1488, 1489, 1570.
- 364 Requires annual reporting by regional subdistricts in certain school districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Tiffany, Angle, Berman, Brown, Cegavske, Giunchigliani, Koivisto, McClain, Mortenson, Nolan, Price. 279, 846, 847, 867, 919,* 920, 1337, 1570.
- 365 Requires that certain local governmental employers and employees submit certain disputed issues to arbitrator for binding arbitration in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 279, 465, 504, 516*.
- 366 Revises various provisions governing claims and transactions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 280.
- 367 Creates information technology commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Tiffany, Beers, Cegavske. 280, 381, 495, 514.
- 368 Increases penalty for person previously convicted of felony who possesses firearm. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Beers, Humke, Berman, Hettrick, Anderson, Brower, Brown, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Lee, Manendo, Marvel, Nolan, Oceguera, Parks, Perkins, Price, Von Tobel, Rawson, O'Donnell, Amodei, Carlton, Coffin, McGinness, Raggio, Schneider, Shaffer, Titus, Townsend, Washington. 281.
- 369 Revises and repeals various provisions governing the regulation of public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Energy. 282, 380, 391, 430,* 431, 694, 717, 718, 748, 1143, 1170.

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- 370 Authorizes employers to obtain temporary and extended orders for protection against harassment in workplace and establishes procedures for obtaining such orders. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Leslie, Bache, Parks, Price, McClain, Anderson, Arberry, Chowning, Claborn, de Braga, Dini, Freeman, Giunchigliani, Humke, Koivisto, Manendo, Mortenson, Neighbors, Parnell, Smith, Tiffany. 290, 752, 756, 789, 831,* 1837, 1842, 2043, 2080, 2176, 2276.
- 371 Makes appropriation to Department of Human Resources for increase in allowance for personal needs for residents of long-term care facilities who are eligible for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 290, 381, 419.
- 372 Makes appropriation to Department of Museums, Library and Arts for expenses relating to development and production of Nevada History CD-ROM. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Cegavske, Arberry, Parks, Gibbons, Anderson, Angle, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Carlton, Coffin, Porter, Care, Titus, Amodei, Jacobsen, McGinness, O'Donnell, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 291.
- 373 Authorizes cities, counties and groups thereof to aggregate electrical load of interested residents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Neighbors. 291.
- 374 Revises provisions relating to school textbooks. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. McClain, Koivisto, Ohrenschall, Manendo, Parks, Angle, Arberry, Bache, Berman, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Lee, Leslie, Mortenson, Neighbors, Ocegüera, Perkins, Price, Smith, Tiffany, Williams. 291, 509, 522.
- 375 Enacts provisions governing possession, use, manufacture and distribution of certain items employed to commit theft. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 292, 845, 895, 898, 920,* 1337, 1570.
- 376 Transfers certain responsibilities for railroad safety from public utilities commission of Nevada to Nevada highway patrol division of department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Anderson, Bache, Arberry, Brown, Buckley, Carpenter, Claborn, Collins, de Braga, Giunchigliani, Koivisto, Leslie, Ocegüera, Parnell, Smith, Care, Wiener. 292.
- 377 Makes various changes regarding orders for protection against domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Parnell, Gibbons, McClain, Bache, Brower, Carpenter, de Braga, Freeman, Goldwater, Koivisto, Lee, Leslie, Smith, Von Tobel, Amodei. 292, 510, 532, 577,* 1319, 1564, 1681.
- 378 Makes appropriation to support certain loan program for nursing students and requires development of plan to increase capacity of programs of nursing within the University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Freeman, Leslie, de Braga, Cegavske, Anderson, Arberry, Bache, Beers, Berman, Buckley, Chowning, Dini, Giunchigliani, Goldwater, Hettrick, Humke, Manendo, Marvel, Mortenson, Parks, Perkins, Smith, Tiffany, Rawson, Coffin, Mathews. 292, 381, 509, 1961, 2000,* 2367, 2391, 2392.
- 379 Provides for establishment of minimum standards for education, training and certification of plumbers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Claborn, Koivisto, Anderson, Bache, Buckley, Chowning, Collins, Humke, Leslie, Manendo, McClain, Mortenson, Ocegüera, Smith. 293.
- 380 Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Bache, Giunchigliani, Williams, Anderson, Parnell, Berman, Brown, Buckley, Carpenter, Chowning, de Braga, Freeman, Gibbons, Lee, Leslie, Manendo, Mortenson, Ocegüera, Parks, Smith, Tiffany, Von Tobel, Carlton, Amodei. 293, 491, 504, 516,* 517, 1873, 1916, 1917, 1990.
- 381 Makes various changes regarding cities and towns. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Bache, Neighbors, Giunchigliani, de Braga, Gibbons, Anderson, Berman, Brown, Buckley, Carpenter, Chowning, Freeman, Hettrick, Lee, Leslie, Manendo, Mortenson, Ocegüera, Parks, Parnell, Smith, Tiffany, Von Tobel, Amodei, Carlton. 293, 510, 532, 608, 611, 657,* 2367.

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- 382 Revises provisions governing movement of traffic. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Koivisto, Anderson, Arberry, Bache, Buckley, Carpenter, Claborn, Giunchigliani, Manendo, McClain, Mortenson, Ohrenschall, Price, Tiffany. By request. 294.
- 383 Prohibits driver of motor vehicle from permitting person to ride upon or within certain portions of motor vehicles under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Koivisto, Bache, McClain, Parks, Anderson, Arberry, Brown, Chowning, Claborn, Freeman, Giunchigliani, Manendo, Mortenson, Nolan, Ocegüera, Ohrenschall, Price, Smith, Tiffany. 294, 521, 572, 603,* 605, 1794, 1826, 1990.
- 384 Changes terms used in provisions relating to mobile home parks to refer to manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo, Buckley, Bache, Claborn, McClain, Anderson, Arberry, Chowning, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Gustavson, Koivisto, Leslie, Mortenson, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 294, 976, 980, 1005, 1141,* 1494, 1681.
- 385 Revises provisions governing county property and local improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 294, 1038, 1055, 1131.
- 386 Makes various changes concerning public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 295, 805, 806, 817, 904,* 1837, 1939.
- 387 Makes various changes concerning certain immediate precursors to controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Cegavske, Freeman, Gibbons, Angle, Berman, Brower, Brown, Chowning, Claborn, Collins, Goldwater, Gustavson, Hettrick, Koivisto, Leslie, McClain, Tiffany, Williams, Neal, Amodei, Jacobsen, Mathews, Shaffer. 295.
- 388 Makes various changes relating to mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Anderson, Arberry, Bache, Buckley, Chowning, Claborn, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Manendo, McClain, Mortenson, Parks, Parnell, Price. 301.
- 389 Makes various changes relating to mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Bache, Anderson, Buckley, Chowning, Claborn, Freeman, Giunchigliani, Goldwater, Koivisto, Manendo, McClain, Mortenson, Parks, Parnell, Price, Von Tobel. 301.
- 390 Revises provisions relating to policy of insurance for motor vehicle. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Price, Bache, Giunchigliani. 302.
- 391 Makes various changes to provisions governing public lands. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Constitutional Amendments. 302, 847, 868, 910, 1021, 1034,* 1035.
- 392 Revises certain fees for licensing contractor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. de Braga, Price, Angle, Bache, Freeman, Gibbons, Goldwater, Manendo, Mortenson, Neighbors, Parks, Tiffany. 303.
- 393 Provides for prospective increase in certain compensation for industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Price, Bache, Giunchigliani. 303.
- 394 Requires court to advise defendant of immigration consequences of plea of guilty or nolo contendere. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley, Parks, McClain, Koivisto, Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Brower, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Hettrick, Lee, Leslie, Manendo, Marvel, Mortenson, Neighbors, Ocegüera, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 303, 495, 514, 538,* 1875, 1968, 2044, 2050, 2355, 2359, 2415, 2416, 2483, 2492.
- 395 Revises provisions governing authority of city or county to control location of certain residential facilities and changes statutory name of "halfway house for alcohol and drug abusers." Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ocegüera, Giunchigliani, McClain, Parks, Freeman, Goldwater, Koivisto, Manendo, Price, O'Donnell, O'Connell, Care, Titus. 303, 1038, 1056, 1141,* 1794, 1806, 1809, 1990.
- 396 Makes statement of child describing act of physical abuse admissible in criminal proceedings under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brown, Cegavske, Gibbons, Humke, Berman, Anderson, Angle, Arberry, Bache, Beers, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Coffin, Rawson, Shaffer. 304, 453, 488, 506*.
- 397 Provides for admissibility in evidence of certain statements made by unavailable declarants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brower. 304, 582, 618, 725, 739*.

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- 398 Directs department of human resources to include demonstration project in state plan for Medicaid that will provide access to discounted prescription drug benefits for certain low-income persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McClain, Koivisto, Buckley, Leslie, Ohrenschall, Anderson, Arberry, Bache, Berman, Carpenter, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Lee, Manendo, Mortenson, Neighbors, Oceguela, Parks, Parnell, Price, Smith, Williams, Titus. 304, 522, 542, 597.
- 399 Provides for civil liability for false reporting of crime or emergency. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 304, 608, 611, 641, 725, 739,* 740, 1611, 1968, 1969, 2044, 2050, 2241, 2242, 2367.
- 400 Revises provisions concerning crimes of harassment, stalking and aggravated stalking. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 304, 453, 488, 506,* 507, 1294, 1332.
- 401 Makes various changes concerning forfeiture of bail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 305.
- 402 Authorizes adoption of ordinances in certain counties for designation of family cemeteries and authorizes cemetery authorities to order disinterment and removal of human remains. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Freeman, Marvel. 305, 846, 847, 869, 920,* 1611, 1673, 1791.
- 403 Requires State Department of Conservation and Natural Resources to continue to take action to develop standards for water quality for Walker Lake. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Neighbors, Tiffany. 305, 522, 847, 871, 2379, 2383, 2418, 2482*.
- 404 Revises provisions relating to exemptions from certain taxes for veterans. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Neighbors. 305, 381, 522, 971, 982, 1033, 1132.
- 405 Expresses sense of Nevada Legislature regarding reading proficiency of Nevada's school children. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Angle, Gibbons, Beers, Brown, Carpenter, Cegavske, Claborn, Collins, Gustavson, Hettrick, Marvel, Nolan, Price, Tiffany, Von Tobel, Rawson, Neal, Coffin, Washington, O'Donnell, Shaffer. 306, 381, 522, 846, 847, 871, 917, 2275, 2357,* 2415, 2492.
- 406 Makes various changes to provisions governing Elko Convention and Visitors Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter, Marvel, Rhoads. 306, 495, 514, 538,* 539, 1225, 1243.
- 407 Revises provisions governing development projects on which prevailing wage must be paid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, Koivisto, Collins, McClain, Oceguela. 306, 805, 806, 818, 848, 917, 925, 980.
- 408 Makes various changes to provisions governing sexual offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Manendo, Ohrenschall, Anderson, Bache, Berman, Claborn, Gibbons, Goldwater, Parks, Williams. 307.
- 409 Makes various changes regarding education and educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Manendo, Anderson, Ohrenschall, Gibbons, Williams, Arberry, Bache, Buckley, Chowning, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, McClain, Neighbors, Oceguela, Parks, Perkins, Price. 307, 381, 522, 608, 611, 641.
- 410 Makes various changes relating to guides and outfitters. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Carpenter. By request. 307.
- 411 Proposes to exempt medical devices ordered or prescribed by providers of health care from taxes on retail sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Lee. 307, 381, 522.
- 412 Revises provisions regarding treatment of certain animals in care of animal shelters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Tiffany. 308.
- 413 Revises provisions regarding cooperative agreements between public agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson. By request. 308, 608, 611, 642, 666, 910, 924, 1031,* 1873, 1907, 1990.
- 414 Authorizes removal of manager of state public works board under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins, Parks, Beers, Ohrenschall, Gibbons, Anderson, Arberry, Bache, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Oceguela, Parnell, Price, Smith, Tiffany, Williams. 308, 541, 599, 655,* 1793, 1939.

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- 415 Revises provisions relating to pharmacy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 308, 541, 599, 610, 895, 905, 920,* 1337, 1489, 1570.
- 416 Revises provisions governing special education and class size. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Giunchigliani, Williams, de Braga, Bache, Leslie, Anderson, Arberry, Berman, Brown, Buckley, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Gibbons, Goldwater, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Ocegura, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Rawson, Coffin, Wiener, Titus, Mathews. 312, 381, 522, 751, 756, 790.
- 417 Revises provisions concerning admissibility of evidence in certain cases involving domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie. 313, 521, 573, 603,* 1794, 1820, 1821, 1990.
- 418 Revises provisions concerning conservation of energy and use of renewable energy. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. de Braga, Bache, Dini, Buckley, Giunchigliani, Chowning, Perkins. 313, 834, 835, 844, 981, 1025, 1026, 1142, 1143,* 1170.
- 419 Revises provisions governing authority of members, agents or local or district officers of certain societies for prevention of cruelty to animals to make arrests. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson, Berman, Carpenter, Cegavske, Claborn, Collins, Gibbons, Humke, Price, Washington. 313, 314, 847, 873, 920,* 1837, 1914, 1915, 1990.
- 420 Repeals basic privilege tax for vehicles in prospective increments. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Gustavson, Angle, Beers, Gibbons. 314, 381, 522.
- 421 Limits permissible rate of interest on installment loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parnell, Leslie, Gibbons, Lee, Smith. 314.
- 422 Provides for external review of certain determinations made by managed care organizations and health maintenance organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Buckley, Freeman, Parks, Manendo, Neighbors, Anderson, Arberry, Bache, Chowning, Claborn, Collins, Gibbons, Giunchigliani, Lee, Leslie, McClain, Mortenson, Parnell, Price, Smith. 314, 607, 611, 642, 725, 740*.
- 423 Revises provisions governing benefits for industrial insurance for exposure to contagious diseases. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Hettrick. By request. 315.
- 424 Directs Department of Transportation, Clark County and City of Las Vegas to conduct certain assessments concerning need for abatement of traffic noise. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. McClain, Manendo, Parks, Ohrenschall, Dini, Leslie, Titus, Care. 315, 381, 522, 803, 806, 2167, 2168, 2178, 2179,* 2415, 2492.
- 425 Revises provisions governing health insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Angle. 315.
- 426 Requires Division of Child and Family Services of Department of Human Resources to establish pilot program to study literacy of juvenile offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Angle. 315, 381, 522.
- 427 Revises provisions relating to contracts for state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hettrick. 316, 521, 573, 603,* 1294, 1332.
- 428 Revises provisions governing state public works board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 316, 971, 984, 1152,* 1794, 1814, 1815, 1990.
- 429 Makes various changes concerning protection of children from abuse and neglect, termination of parental rights and guardianships of minors. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Hettrick. 316, 325, 846, 847, 874, 920, 921,* 1837, 1937, 1939, 1990, 2094.
- 430 Authorizes general improvement districts in certain counties to charge owners of dwelling units which receive services provided by district for which owners are not being charged. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske, Hettrick. 316, 977, 980, 1005, 1152,* 1153, 1873, 1906, 1907, 1990.
- 431 Requires public employees' retirement board to conduct study regarding lump-sum optional retirement programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ocegura. 317, 542, 599, 610, 666, 725, 740,* 1611, 1791.
- 432 Makes appropriation to Town of Pahrump for support of Pahrump-Nye County Fairgrounds and Recreation Complex. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Neighbors. 317.
- 433 Makes various changes relating to property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Neighbors. 317, 491, 504, 517,* 1337, 1471, 1570.

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- 434 Provides exemptions from certain taxes for property used in researching, developing, constructing and operating facilities to generate electricity from renewable resources. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Mortenson. 317, 322, 901, 926, 956.
- 435 Revises provisions pertaining to strategic lawsuits against public participation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall. 318, 521, 574, 602, 755, 796,* 797.
- 436 Revises provisions concerning admissibility of evidence in criminal proceedings involving domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Manendo, Goldwater, Leslie, Gibbons, Angle, Arberry, Beers, Brower, Brown, Carpenter, Cegavske, Claborn, de Braga, Freeman, Gustavson, Hettrick, McClain, Mortenson, Price, Williams. 318.
- 437 Makes various changes related to sentencing of certain offenders and community notification of sex offenders. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Ohrenschall, Anderson, Carpenter, Claborn, Koivisto, Manendo, McClain, Ocegüera. 318.
- 438 Authorizes creation of landscape maintenance associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. By request. 318.
- 439 Revises provisions relating to deceptive trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Brower. 318, 1119, 1120, 1153*.
- 440 Revises provisions governing qualifications and election of members of governing board of Moapa Valley Water District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Von Tobel. 319, 443, 456, 489,* 1611, 1673, 1791.
- 441 Revises provisions relating to library districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 319, 495, 515, 539,* 1130, 1179.
- 442 Increases penalties for unlawful dumping of sewage or solid waste. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Manendo, Claborn, Anderson, Angle, Arberry, Berman, Brown, Buckley, Carpenter, Chowning, Collins, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, McClain, Mortenson, Nolan, Ocegüera, Parks, Price. 319, 325, 608, 669, 740,* 741, 774, 789, 895, 907, 921,* 1837, 1885, 1888, 1990.
- 443 Makes various changes concerning elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Freeman. 319, 608, 611, 645, 725, 741,* 1685, 1777, 1778, 1876.
- 444 Makes various changes regarding preservation of neighborhoods. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Freeman. 320, 977, 980, 1006, 1153,* 1685, 1778, 1780, 1876.
- 445 Establishes certain requirements regarding issuance and validity of work permits. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Gustavson. 320.
- 446 Revises provisions relating to unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins, Goldwater, Dini, Jr.. 320, 660, 668, 681, 741,* 1611, 1791.
- 447 Prohibits unfair lending practices for home loans. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Buckley. 320, 909, 911, 932, 981, 1021, 1034, 1038, 1095,* 1096, 1794, 1993, 2003, 2004, 2005, 2078, 2080.
- 448 Provides for licensing and operation of railroad gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. de Braga, Carpenter. 321, 381, 522, 910, 911, 936, 1493, 1525, 1531, 1591*.
- 449 Reserves portion of certain gaming license fees from off-track pari-mutuel wagering to augment purses for horse racing in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Carpenter, de Braga, Marvel, Rhoads, McGinness. 321, 381.
- 450 Makes appropriations for purchase of textbooks and for other educational purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Tiffany, Cegavske, Beers, Chowning, Hettrick, Leslie, Marvel, Parks, Rawson, Coffin, Jacobsen, Mathews, O'Donnell. 321, 325, 509, 522.
- 451 Authorizes certain local governments to donate real property to corporations for public benefit in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins, Dini, Giunchigliani, Chowning, Cegavske, Beers, Carpenter, Claborn, de Braga, Goldwater, Hettrick, Koivisto, Leslie, Marvel, McClain, Mortenson, Nolan, Ohrenschall. 321, 581, 619, 725, 741,* 1873, 1904, 1990.
- 452 Requires certain providers of health insurance to contract with federally qualified health centers as providers of health care under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani. 322, 581, 619, 725, 741,* 1837, 1892, 1893, 1990.

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- 453 Exempts medical use of marijuana from state prosecution in certain circumstances and revises penalties for possessing marijuana. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Giunchigliani. 322, 381, 522, 910, 911, 937, 1319, 1460, 1535, 1536,* 2174, 2235, 2239.
- 454 Requires Board of Regents of University of Nevada to appoint committee to study organizational structure of certain community colleges. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Arberry, Giunchigliani, Collins, Anderson, Berman, Buckley, Dini, Goldwater, Manendo, Mortenson, Neighbors, Price, Tiffany. 322, 381, 1573, 1574, 1589, 1623,* 1993, 2041.
- 455 Enacts Simplified Sales and Use Tax Administration Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater, Cegavske, Arberry, McGinness, Coffin, Schneider. 323, 847, 876, 921,* 1873, 1881, 1882, 1990.
- 456 Provides for issuance of gaming tokens by State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson, Price, Angle, Beers, Berman, Carpenter, Cegavske, Gibbons, Hettrick, Humke, Mortenson, Neighbors. 323, 977, 980, 1008, 1120, 1124, 1153, 1157*.
- 457 Temporarily revises provisions governing distribution of portion of basic governmental services tax revenue to increase amount allocated for educational purposes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Beers, Goldwater. 323, 1034, 1035, 1037, 1136, 1139, 1140, 1156.
- 458 Authorizes local governments to impose impact fees on new developments to finance fire station projects, park projects and police station projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. By request. 323, 846, 847, 878, 921,* 1337, 1570.
- 459 Makes various changes concerning harassment and intimidation in public schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Parks, Leslie, Williams, Bache, Anderson, Arberry, Buckley, Cegavske, Chowning, Claborn, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Manendo, McClain, Mortenson, Neighbors, Ohrenschall, Parnell, Perkins, Price, Smith, Titus, Wiener, Rawson, Care, Coffin. 324, 971, 985, 1149, 1150, 1158, 1169,* 1875, 1917, 1918, 1990.
- 460 Creates legislative committee on transportation and revises provisions governing fees collected by short-term lessors of passenger cars. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parks. 324, 901, 910, 911, 941, 943, 1493, 1525, 1531, 1574, 1874, 1881, 2021, 2025,* 2225, 2230, 2235, 2367, 2384, 2392, 2398, 2416, 2417, 2492.
- 461 Revises provisions relating to qualification of bidders on certain contracts for public works in this state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. 324, 433, 440, 977, 980, 1010, 1154,* 1837, 1912, 1913, 1990.
- 462 Authorizes certain local governments to impose tax on nonresidential construction projects or require dedication of certain land for regional parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Collins. 328, 846, 847, 879, 921,* 922.
- 463 Revises provisions governing treatment and use of certain animals. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Collins. By request. 329, 1038, 1062, 1154,* 1611, 1673, 1674, 1791.
- 464 Provides increased penalties for fourth or subsequent offense for operating vehicle while under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Williams, Cegavske, Leslie, Manendo, Parks, Anderson, Arberry, Brower, Freeman, Gibbons, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, McClain, Nolan, Ocegüera, Parnell, Smith, Von Tobel. 329.
- 465 Authorizes use of proceeds of certain taxes for certain highway improvement projects located wholly or partially outside boundaries of this state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brown, Anderson, Beers, Cegavske, Chowning, Claborn, Collins, de Braga, Gibbons, Hettrick, Lee, Manendo, Marvel, Mortenson, Nolan, Ohrenschall, Parnell, Price, Smith, Von Tobel. 329, 582, 621, 622, 981, 1023,* 1793, 1939.
- 466 Enacts provisions governing licensing and operation of interactive gaming and revises various provisions relating to gaming. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Leslie, Parks, Parnell, Gibbons, Anderson, Brower, Chowning, Freeman, Giunchigliani, Humke, Smith, Tiffany, Mathews. 329, 846, 847, 882, 922,* 1794, 1822, 1826, 2044, 2080, 2087, 2180, 2205, 2276.
- 467 Deregulates practice of interior design. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers, Hettrick, Tiffany, Cegavske, Angle, Berman, Brower, Brown, Carpenter, Gibbons, Gustavson, Humke, Marvel, Nolan, Von Tobel, Rawson, James, Amodei, Jacobsen, McGinness, O'Donnell, Washington. 330.

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- 468 Revises provisions governing imposition of tax on certain transfers of water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers, Tiffany, Berman, Brown, Carpenter, Collins, Hettrick, Humke, Lee, Marvel, Ocegüera, Ohrenschall, Price. 331, 847, 883, 922, 958, 1031,* 1794, 1816, 1990.
- 469 Makes various changes relating to safe use of watercraft. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Beers, Collins, Brown, Hettrick, Humke, Lee, Ohrenschall, Price, Tiffany. 331, 728, 761, 827, 901, 981, 1252, 1284,* 1794, 1816, 1817, 1990.
- 470 Creates juvenile crime reduction fund and provides for its administration and use. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Humke, Cegavske, Angle, Anderson, Beers, Brower, Buckley, Carpenter, Chowning, de Braga, Dini, Gibbons, Giunchigliani, Hettrick, Leslie, Marvel, Nolan, Von Tobel. 331, 381, 453.
- 471 Revises provisions governing declaration to withhold or withdraw life-sustaining treatment and durable power of attorney for health care. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Freeman. 331.
- 472 Requires establishment and carrying out of program to control diseases that may be transmitted by arthropods or rodents. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Humke, Koivisto. 332.
- 473 Makes appropriation for purchase and distribution of automated external defibrillators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Nolan, Brown, Parks, Cegavske, Anderson, Angle, Beers, Berman, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Gustavson, Hettrick, Koivisto, Manendo, Mortenson, Neighbors, Smith, Tiffany, Von Tobel. 332, 381.
- 474 Revises provisions concerning enforcement of registration of motor vehicle by new resident of this state. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Nolan, Gibbons, McClain, Beers, Manendo, Berman, Brown, Cegavske, Claborn, Collins, Giunchigliani, Hettrick, Koivisto, Mortenson, Parks, Smith, Tiffany. 332, 381, 522, 609, 611, 646, 648.
- 475 Establishes account for payment of certain benefits to certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Neighbors. 333, 521, 574.
- 476 Revises provisions governing reinstatement of registration of motor vehicle suspended for lack of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini, Jr.. By request. 333, 661, 668, 681, 742,* 1294, 1332.
- 477 Revises procedures for resolving matters involving constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Dini, Jr.. 333, 610.
- 478 Authorizes collective bargaining for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Price, Arberry, Chowning, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, McClain, Mortenson, Ohrenschall, Williams. 333.
- 479 Revises provisions regarding open meeting law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Price, Ohrenschall, Chowning, Von Tobel, Anderson, Cegavske, Claborn, Collins, de Braga, Freeman, Goldwater, Humke, Lee. 334, 1097, 1101, 1131, 1140.
- 480 Proposes to exempt funeral supplies from taxes on retail sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Price, Berman, Gibbons, Manendo, Chowning, Anderson, Angle, Arberry, Beers, Brown, Carpenter, Cegavske, Claborn, Collins, de Braga, Dini, Freeman, Gustavson, Hettrick, Humke, Lee, Leslie, McClain, Mortenson, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Tiffany, Williams. 334.
- 481 Prohibits in certain circumstances person from operating sound amplification system in motor vehicle in certain manner. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Chowning, Gibbons, Brown, Ohrenschall, Anderson, Arberry, Carpenter, Claborn, de Braga, Dini, Freeman, Giunchigliani, Hettrick, Manendo, McClain, Mortenson, Nolan, Parks, Parnell, Perkins, Price, Tiffany, Wiener. 334, 465, 504, 517,* 1294, 1332, 1611, 1638, 1941, 1942*.
- 482 Establishes rebuttable presumption that person who causes personal injury, death or damage to property through use of fireworks acted negligently. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Chowning, Cegavske, de Braga, Freeman, Ohrenschall, Anderson, Beers, Carpenter, Claborn, Gibbons, Giunchigliani, Gustavson, Hettrick, Humke, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Parks, Price, Tiffany, Von Tobel, Williams. 335, 608, 803, 807, 904*.
- 483 Makes various changes concerning reporting of campaign contributions and expenditures. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Beers, Tiffany, Berman, Brown, Carpenter, Collins, Hettrick, Humke, Lee, Marvel, Price. 335, 541, 599, 610, 1097, 1101, 1131, 1132, 1138, 1158, 1169,* 1873, 1898, 1901, 2019, 2086, 2368, 2373, 2492.

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- 484 Revises provisions governing disclosure statement required upon sale of unit in common-interest community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Chowning, Gibbons, Price, Ohrenschall, Anderson, Beers, Berman, Brown, Cegavske, Claborn, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Leslie, Manendo, McClain, Mortenson, Nolan, Parks, Perkins, Smith, Tiffany. 335, 805, 806, 819, 904*.
- 485 Establishes office of private property ombudsman within department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Chowning, Ohrenschall, Anderson, Brown, Carpenter, Cegavske, Claborn, de Braga, Gibbons, Goldwater, Humke, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Parks, Perkins, Price, Smith, Tiffany. 335.
- 486 Prohibits sale of product in county, city or town if use of product is prohibited in county, city or town. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Chowning, Anderson, Beers, Brown, Carpenter, Cegavske, Claborn, de Braga, Freeman, Gibbons, Hettrick, Humke, Leslie, Manendo, Marvel, McClain, Mortenson, Ohrenschall, Parks, Price, Tiffany, Von Tobel. 336.
- 487 Makes various changes concerning challenges of qualifications of certain candidates for office. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Chowning, de Braga, Ohrenschall, Anderson, Beers, Berman, Brown, Carpenter, Cegavske, Claborn, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Parks, Parnell, Perkins, Price, Smith, Tiffany. 336, 660, 668, 682, 742,* 1294, 1310, 1332.
- 488 Revises provisions relating to transportation by fire-fighting agencies of sick or injured persons to medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 336, 846, 847, 884, 922,* 1611, 1791.
- 489 Requires genetic marker analysis to be obtained from certain offenders convicted of certain felonies. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Gustavson, Angle, Beers, Anderson, Berman, Brower, Brown, Buckley, Carpenter, Claborn, Gibbons, Humke, Lee, Ocegüera, Price, Von Tobel. 337, 608, 611, 648, 666, 827, 834, 904,* 1873, 1969, 1974, 2016.
- 490 Authorizes certain counties to establish advisory committee on aircraft noise and prescribes powers and duties of committee. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Giunchigliani, Ocegüera, Manendo, Williams, Ohrenschall, Arberry, Bache, Buckley, Cegavske, Chowning, Claborn, Collins, Goldwater, Koivisto, Lee, McClain, Mortenson, Parks, Perkins, Price. 337, 977, 980, 1013, 1154,* 1873, 1904, 1906, 1990.
- 491 Authorizes optometrist to collaborate with ophthalmologist under certain conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Humke, Beers, Brower, Buckley, Hettrick, Leslie, Parks. 337, 845, 895, 899, 922,* 1611, 1791.
- 492 Revises provisions governing certain licenses issued by and membership of private investigator's licensing board. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Humke, Arberry, Beers, Buckley, Hettrick, Leslie, Parks. 337.
- 493 Requires contracts for services concerning certain insurance of this state to be awarded through qualification-based bidding process. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Humke, Gibbons, Brown, Mortenson, Neighbors. 338.
- 494 Makes various changes to provisions relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Humke, Lee, Neighbors, Von Tobel, Cegavske, Angle, Arberry, Beers, Brown, Carpenter, Chowning, Claborn, Collins, Gibbons, Giunchigliani, Gustavson, Hettrick, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Ohrenschall, Price, Tiffany, James, McGinness, Shaffer. 338.
- 495 Requires state contractors' board to suspend certain privileges of license issued to contractor under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 338.
- 496 Provides for recognition of reciprocal beneficiary relationships. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Parks. 338.
- 497 Revises provisions relating to anatomical gifts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gibbons, Leslie, Giunchigliani, Buckley, McClain, Anderson, Brown, Cegavske, de Braga, Freeman, Hettrick, Humke, Smith, Tiffany, Rawson, O'Donnell. 339, 727, 761, 831,* 1294, 1332.
- 498 Makes various changes to provisions governing construction of residential dwellings and actions for constructional deficiencies and defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. By request. 339.

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- 499 Revises provisions governing policy for renovation or reconstruction of schools and authorizes use of money from fund for capital projects for continuation of pilot program for replacement of schools in certain school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Williams, Arberry, Chowning, Manendo. 339, 607, 611, 649, 725, 742, 1124, 1154,* 1873, 1918, 1919, 1990.
- 500 Directs Attorney General to conduct study of traffic stops by Nevada Highway Patrol and by law enforcement officers in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Williams, Giunchigliani, Leslie, Goldwater, Parks, Anderson, Bache, Buckley, Chowning, Manendo, Ohrenschall. 339, 660, 668, 688, 742, 743, 744,* 1875, 1928, 1929, 2019, 2026, 2179, 2180, 2276.
- 501 Revises provisions relating to method of calculating amount of basic governmental services tax to be distributed to county school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 343, 752, 756, 791, 831,* 1573, 1666, 1667, 1791.
- 502 Makes appropriation to Department of Business and Industry for development of automated licensing system for real estate agents. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 343.
- 503 Makes appropriation to Department of Business and Industry for replacement of certain computers in Office of Labor Commissioner. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 343, 1793, 1795, 1797, 1930, 1931,* 2036, 2103.
- 504 Makes appropriation to State Department of Conservation and Natural Resources for State of Nevada's share for carrying out Truckee River Operating Agreement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 344, 1793, 1795, 1797, 1931,* 2078, 2362, 2363.
- 505 Makes appropriation to State Department of Conservation and Natural Resources for replacement equipment for Division of State Parks. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 344, 1878, 1881, 1882, 1948,* 2078, 2223.
- 506 Makes appropriation to State Department of Conservation and Natural Resources for maintenance projects at state parks. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 344, 1793, 1795, 1797, 1931,* 2036, 2103.
- 507 Makes appropriation to State Department of Conservation and Natural Resources for radio connection between Nevada State Park System and Department of Motor Vehicles and Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 344, 1698, 1699, 1728, 1828,* 2012, 2041.
- 508 Makes appropriations to State Department of Conservation and Natural Resources for new and replacement equipment for Division of Water Resources and to account for the channel clearance, maintenance, restoration, surveying and monumenting program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 344, 1943, 1946, 1947, 2000,* 2105, 2492.
- 509 Makes appropriation to State Department of Conservation and Natural Resources for radio connection between Division of Forestry and Department of Motor Vehicles and Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 345.
- 510 Makes appropriation to Division of Forestry of State Department of Conservation and Natural Resources for equipment for suppression of forest fires. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 345, 1878, 1881, 1883, 1948,* 2078, 2223.
- 511 Makes appropriation to Tahoe Regional Planning Agency for threshold research. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 345, 1684, 1687, 1699, 1828,* 2036, 2357.
- 512 Makes appropriation to Department of Human Resources for costs associated with transfer of certain child welfare services to Clark County and Washoe County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 345.

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- 513 Makes appropriation to Department of Human Resources for development of long-term strategic plan concerning health care needs of citizens of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 345, 2050, 2071, 2100, 2101,* 2276.
- 514 Makes appropriation to Interim Finance Committee for allocation to Department of Human Resources for electronic application process for Nevada Check Up program and Medicaid assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 346, 1793, 1795, 1797, 1931,* 2036, 2103.
- 515 Makes appropriation to Department of Human Resources for assistance in operation of HIV/AIDS clinics in Reno and Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 346, 1878, 1881, 1883, 2033, 2034, 2072,* 2276.
- 516 Makes appropriation to Department of Human Resources for Medicaid Management Information System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 346, 1793, 1795, 1798, 1931,* 2036, 2103.
- 517 Makes appropriation to Department of Human Resources for furnishings and equipment for Division of Child and Family Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 346, 1684, 1687, 1699, 1828,* 2012, 2041.
- 518 Makes appropriation to University and Community College System of Nevada for start-up costs for new state college. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 346, 1610, 1613, 1686*.
- 519 Makes appropriation to Department of Taxation for implementation of Phase II of Business Process Re-Engineering Project, development of document scanning and imaging system, and enhancement of Local Government Financial Reporting System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 346, 1878, 1881, 1883, 1949,* 2078, 2223.
- 520 Makes appropriation to Department of Administration for distribution of grant of money to Governor's Advisory Council on Education Relating to the Holocaust for carrying out duties of Council and continuing its educational programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 347, 1793, 1795, 1798, 1931, 1932,* 2078, 2356.
- 521 Makes appropriation to Governor for support of Nevada Commission for National and Community Service. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 347, 1878, 1881, 1884, 1949,* 2105, 2492.
- 522 Makes appropriation to Buildings and Grounds Division of Department of Administration for moving expenses of various agencies to and from, and minor remodeling of, Grant Sawyer State Office Building. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 347, 1793, 1795, 1799, 1932,* 2078, 2364.
- 523 Makes appropriations to Motor Pool Division of Department of Administration and Investigation Division of Department of Motor Vehicles and Public Safety for purchase of additional vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 347, 1793, 1795, 1799, 1932,* 2036, 2103.
- 524 Makes appropriation to Department of Information Technology for phase IIA of digital microwave upgrade. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 347, 1684, 1687, 1700, 1828,* 1829, 2012, 2041.
- 525 Makes appropriation to Supreme Court of Nevada for security system upgrades, system-wide website and communications infrastructure, and new and replacement equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 348, 1793, 1795, 1800, 1932,* 2036, 2103.
- 526 Makes appropriation to Department of Taxation for purchase of new and replacement equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 348, 1793, 1795, 1800, 1932,* 2036, 2103.

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- 527 Makes appropriation to Legislative Counsel Bureau for new and replacement equipment and various maintenance projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 348, 1684, 1687, 1700, 1829,* 2012, 2041.
- 528 Makes appropriation to Aging Services Division of Department of Human Resources for wide area network for offices in Reno and Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 348.
- 529 Makes appropriation to Department of Human Resources for software and computer equipment for Nevada rural health communications system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 348, 1684, 1687, 1700, 1829,* 2012, 2041.
- 530 Makes appropriations to Department of Human Resources for Welfare Division's telephone system and for costs relating to fingerprinting of employees of Welfare Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 348, 1610, 1613, 1614, 1686,* 2012, 2363.
- 531 Makes appropriation to Department of Human Resources for vehicle, furnishings and equipment for Nevada Youth Training Center within Division of Child and Family Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 349, 1610, 1613, 1614, 1686,* 1993, 2041.
- 532 Makes appropriation to Department of Human Resources for vehicle, office equipment and remodeling for Northern Nevada Child and Adolescent Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 349, 1684, 1687, 1701, 1829,* 2012, 2041.
- 533 Makes appropriation to Department of Business and Industry for replacement of computers in Consumer Affairs Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 349, 1684, 1687, 1701, 1829,* 1830, 2012, 2041.
- 534 Increases membership of regional transportation commission in certain less populous counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Transportation. 349, 496, 515, 539,* 1494, 1681.
- 535 Reduces filing fees and requires court to waive court costs when petition is filed for adoption of child with special needs. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 350, 582, 622, 725, 744,* 1294, 1332.
- 536 Makes various changes to provisions relating to secretary of state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 350, 608, 611, 649, 666, 1119, 1124,* 1611, 1791.
- 537 Authorizes construction and maintenance of benches and shelters for passengers of public mass transportation on exclusive basis by governing body or by franchise within unincorporated towns. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 350, 846, 847, 885, 922, 923, 1095, 1096, 1154, 1155,* 1337, 1570.
- 538 Authorizes sheriff to adopt certain policies, procedures, rules and regulations for administration of metropolitan police department. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 350, 510, 533, 577,* 1294, 1332.
- 539 Makes various changes to provisions governing architects, registered interior designers and residential designers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 351.
- 540 Provides for identification, registration, regulation, taxation and other treatment of recreational park trailers as recreational vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 351, 607, 611, 650, 725, 744,* 745, 1837, 1894, 1990.
- 541 Provides for regulation of certain instructors of courses required for issuance and renewal of license as real estate broker, broker-salesman or real estate salesman. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 355.
- 542 Makes various changes relating to personal property of state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 366, 581, 622, 725, 745,* 1294, 1332.
- 543 Creates advisory committee to oversee subsidies for provision of prescription drugs and pharmaceutical services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 366.

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- 544 Revises provisions relating to program of subsidies for provision of prescription drugs and pharmaceutical services to senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 367.
- 545 Directs development of optional subsidized program to provide prescription drugs and pharmaceutical services to senior citizens with low incomes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 367, 419, 440, 450, 456, 1131, 1136*.
- 546 Revises provisions governing distribution and use of proceeds of administrative fines imposed for certain violations relating to air pollution. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 376.
- 547 Makes various changes to provisions governing securities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 377, 582, 623, 725, 745,* 1611, 1791.
- 548 Revises provisions governing agencies eligible to receive distribution of proceeds of administrative assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Judiciary. 377, 608, 611, 650, 725, 745,* 1181, 1191.
- 549 Increases amount of general obligation bonds that state board of finance may issue to provide grants to certain water systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 377, 434, 583, 623, 725, 745,* 1294, 1332.
- 550 Revises procedures for detention and civil commitment of mentally ill persons and revises provisions governing rights of patients of health care facilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 377, 910, 911, 943, 1020, 1037, 1095,* 1794, 1929, 1930, 1942, 1962, 1963, 1984, 1985, 2036, 2132, 2133, 2225.
- 551 Revises provisions relating to practice of cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 385, 1037, 1038, 1063, 1155,* 1494, 1681.
- 552 Revises provisions relating to manufactured buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 386, 845, 895, 900, 923*.
- 553 Revises provisions regarding notification of certain proposed planning and zoning changes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 386, 541, 599, 655,* 1793, 1939.
- 554 Provides for establishment of Nevada college savings program as authorized by federal law. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Government Affairs. 386, 608, 611, 650, 658, 1038, 1095, 1573, 1574, 1606, 1623, 1686,* 2036, 2103.
- 555 Makes various changes to provisions governing public employees' retirement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 386, 977, 980, 1016, 1155,* 1685, 1782, 1943, 1989, 2049, 2105, 2223.
- 556 Revises certain provisions governing authority of state board of examiners and requirements for certain agreements for interlocal cooperation between public agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 387, 542, 543, 575, 926, 958, 1031,* 1685, 1780, 1781, 1782, 1876.
- 557 Authorizes constables, upon request of sheriff, to execute certain process, writs and warrants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 387, 541, 599, 655, 656,* 1793, 1939.
- 558 Establishes for next biennium amount to be paid by this state for group insurance for certain public employees, public officers and retired public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Government Affairs. 388, 582, 623, 659, 666, 1294, 1323, 1463,* 1464, 1837, 1939.
- 559 Transfers office for hospital patients from department of business and industry to office of the governor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 388.
- 560 Revises certain provisions regarding peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 388, 805, 806, 820, 904, 905,* 1837, 1907, 1908, 1990.
- 561 Authorizes governor to promote adjutant general to grade of lieutenant general under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 388.

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- 562 Revises certain provisions concerning qualification of contractors on public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 388.
- 563 Authorizes additional deferred compensation plan for state employees and employees of political subdivisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 389, 925, 926, 958, 1031,* 1032, 1611, 1791.
- 564 Makes various changes relating to public employees' benefits program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 389, 1038, 1070, 1075, 1631, 1686, 1942, 1950, 2000,* 2001, 2367, 2391.
- 565 Authorizes monthly payroll cycle for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 389.
- 566 Revises provisions governing Las Vegas Valley water district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 389.
- 567 Revises provisions governing state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 390, 610, 977, 980, 1017, 1848, 1849, 1870, 1932, 1933,* 2105, 2492.
- 568 Makes various changes relating to county recorders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 390, 752, 756, 792, 831,* 832, 1837, 1908, 1909, 1990.
- 569 Exempts certain professional and occupational boards from provisions concerning state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 390, 541, 583, 610, 1201, 1215, 1226,* 1793, 1939.
- 570 Makes various changes relating to charter of Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 390, 541, 600, 656,* 1225, 1243.
- 571 Authorizes board of county commissioners to provide by ordinance for covering or removal of certain graffiti on certain types of property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 391, 846, 847, 886, 923,* 1337, 1570.
- 572 Establishes single fraud control unit for insurance within office of attorney general. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 391, 398, 607, 666, 753, 756.
- 573 Reclassifies parole and probation officers as category I peace officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 394, 542, 600, 609, 659, 666.
- 574 Makes changes to provisions concerning programs of treatment for abuse of alcohol or drugs for certain offenders and provisions concerning sentencing of certain persons sentenced to imprisonment for life without parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 395, 582, 623, 725, 746,* 1794, 1821, 1990.
- 575 Requires person filing tort action against certain governmental entities or their officers or employees to file notice of action within certain period of time. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 395.
- 576 Revises provisions concerning stay of execution and appeal of certain judgments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 395, 805, 806, 821, 905,* 1611, 1791.
- 577 Makes various changes concerning permanent guardianship of certain abused or neglected children. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 395.
- 578 Enacts provisions governing licensing and operation of interactive gaming and revises various provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 396, 846, 847, 889, 923,* 926, 982, 1034, 1097, 1104, 1131, 1136,* 2019.
- 579 Establishes statute of limitation for certain actions for inverse condemnation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 396.
- 580 Eliminates provisions pertaining to contracts concerning sale or donation of blood or blood plasma by offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 396, 496, 515, 521, 583, 604, 656,* 1181, 1191.
- 581 Makes various changes concerning orders for protection against domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 396, 609, 611, 650, 725, 746,* 1794, 1966, 1967, 1985, 1986, 2016.
- 582 Revises provisions pertaining to competency of defendants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 396, 582, 624, 725, 746,* 1684, 1876.

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- 583 Revises provisions governing administration of grants from account for aid for victims of domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 397, 2223.
- 584 Requires posting of bond by probationers and parolees who request permission to reside in another state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 397.
- 585 Makes various changes to provisions concerning domestic violence and driving under the influence of intoxicating liquor or controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 397, 398.
- 586 Revises provisions governing program to assist victims of certain crimes in maintaining confidential addresses. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 398, 752, 756, 793, 832,* 1294, 1332.
- 587 Makes appropriation to restore and increase balance in stale claims account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 398, 496, 515, 539,* 806, 908.
- 588 Makes appropriation to restore balance in emergency account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 398, 1878, 1881, 1884, 1949,* 2078.
- 589 Makes appropriation to State Public Works Board for construction of Hi-Tech Learning Center at Rancho High School in North Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 398.
- 590 Makes appropriation to Welfare Division of Department of Human Resources for energy bill assistance for low-income Nevadans. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 399.
- 591 Makes appropriation to State Public Works Board for needs assessment and feasibility study relating to curriculum programming and potential building construction at Fallon campus of Western Nevada Community College. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 399.
- 592 Makes appropriations from state general fund and state highway fund to Department of Motor Vehicles and Public Safety for various information technology upgrades. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 399.
- 593 Makes appropriation to State Department of Agriculture for support of Advisory Council for Organic Agricultural Products. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 399.
- 594 Makes appropriations to Culinary and Hospitality Academy of Las Vegas for design and planning of facility for vocational training in Southern Nevada and to Department of Cultural Affairs for distribution to Las Vegas Performing Arts Center Foundation for planning and design of performing arts center in City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 399, 2379, 2380, 2418, 2483*.
- 595 Makes appropriation to Clark County for support of Greater Las Vegas Inner-City Games. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 400.
- 596 Makes appropriation to Department of Motor Vehicles and Public Safety for computer upgrades at Division of Parole and Probation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 400, 1943, 1946, 1947, 2001,* 2105, 2492.
- 597 Makes appropriation to Department of Motor Vehicles and Public Safety for purchase of computers for and ongoing telecommunication costs of Division of Parole and Probation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 400, 1993, 1996, 1997, 2023,* 2134, 2492.
- 598 Makes appropriation to Department of Human Resources for enhanced health clinic for Jan Evans Juvenile Justice Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 400, 1610, 1613, 1614, 1687,* 1993, 2041.

- No. Summary, Introducer and Page Reference*
- 599 Makes appropriation to Department of Human Resources for program to coordinate family resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 400.
- 600 Provides for preparation of legislative proposal for budget for state government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 401, 522.
- 601 Restricts ability of state agencies to enter into certain agreements to purchase real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 401, 894, 895, 901, 923,* 924, 1611, 1791.
- 602 Makes various changes to provisions governing powers and duties of attorney general. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 401.
- 603 Creates Nevada health account for uninsured families in state general fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 401, 522.
- 604 Makes various changes relating to awards for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 402, 748, 766, 832,* 1611, 1791.
- 605 Makes various changes relating to state purchasing fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 402, 610, 1289, 1303, 1323,* 1837, 1939.
- 606 Makes various changes regarding compensation of certain public officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 402, 522, 2157, 2178, 2179, 2258, 2294*.
- 607 Makes various changes relating to unemployment compensation affecting Indian tribes to comply with federal law. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 402, 578, 600, 656,* 1793, 1939.
- 608 Transfers responsibility for administering program for property tax assistance for senior citizens from department of taxation to aging services division of department of human resources, increases maximum amount of assistance and lengthens period for filing claim for assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 403, 522.
- 609 Extends authorized period of expenditure of certain money appropriated to department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 403, 583, 624, 725, 746,* 1573, 1681.
- 610 Makes appropriation to Comstock Cemetery Foundation, Inc., for expenses relating to historic preservation and restoration of cemeteries located in Virginia City area. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 403.
- 611 Removes limitation on amount of money in state highway fund that may be used to pay costs of administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 403, 522.
- 612 Makes various changes concerning rural health. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 403, 522, 1878, 1881, 1885, 1949,* 2105, 2384, 2385.
- 613 Requires transfers of money from fund for school improvement to provide scholarships for students pursuing degrees in teaching. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 404, 610, 1684, 1687, 1701, 1830*.
- 614 Increases amount of longevity payments to state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 404, 522.
- 615 Requires submission to voters of proposal to issue general obligation bonds to protect, preserve and obtain benefits of property and natural resources of state. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Ways and Means. 404, 522, 2107, 2154, 2156,* 2415, 2492.
- 616 Revises provisions governing class-size reduction program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 404.
- 617 Requires certain persons to be certified to act as resident agents. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 404, 805, 806, 822, 823, 982, 1034*.

- No. Summary, Introducer and Page Reference*
- 618 Makes various changes relating to regulation of insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 405, 1037, 1038, 1075, 1095, 1289, 1315,* 2012, 2030, 2031, 2103.
- 619 Revises certain provisions governing manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 405, 909, 911, 917, 926, 960, 1032,* 1837, 1894, 1897, 1898, 1990.
- 620 Makes various changes relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 405, 607, 610, 774, 796, 832,* 1611, 1670, 1671, 1943, 1989, 2079, 2105, 2223.
- 621 Revises provisions relating to real estate. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 406, 541, 600, 656,* 657, 1225, 1243.
- 622 Makes various changes to provisions governing practice of court reporting. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 406, 845, 895, 901, 924,* 1611, 1659, 1791.
- 623 Creates Advisory Commission on Internet Commerce. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 406.
- 624 Provides for issuance of uniform identification cards and devices to process insurance claims for prescription drugs and devices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 407.
- 625 Provides for the licensing and regulation of massage therapists. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 407.
- 626 Requires money received by department of business and industry for certain investigative costs to be deposited in investigative account for financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 407.
- 627 Revises provisions relating to trade practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 407, 805, 806, 823, 905,* 1875, 2005, 2009, 2010, 2011, 2041.
- 628 Revises provisions governing benefits for industrial insurance for certain police officers and firemen. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 408, 581, 625, 725, 746, 747,* 1611, 1671, 1672, 1791.
- 629 Clarifies standards for regulating petroleum products used in internal combustion engines. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 408, 752, 756, 793, 832,* 833, 1337, 1570.
- 630 Revises provisions regarding system for reporting of information on cancer that is maintained by state health officer. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 408, 847, 893, 924, 982, 1021, 1336, 1391, 1469, 1537,* 2036, 2103.
- 631 Revises provisions governing quarantines proclaimed by state quarantine officer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 408, 466, 505, 517,* 1294, 1332.
- 632 Prohibits operation of certain vessels unless persons less than 12 years of age are wearing personal flotation devices while vessel is under way. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 409, 582, 625, 725, 747,* 1875, 1915, 1916, 1990.
- 633 Revises provisions governing public employees' retirement system to authorize certain retired employees to accept employment as teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 409.
- 634 Authorizes creation of campus review boards to review allegations of misconduct against peace officers of police department for University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 409, 751, 756, 794, 833,* 1875, 1939.
- 635 Creates commission on autism. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 409, 522, 660.
- 636 Makes various changes to provisions governing admission of allegedly mentally ill person to mental health facility. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 409, 977, 980, 1017, 1155,* 1611, 1791.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
637	Makes various changes concerning elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 410, 727, 766, 833,* 1685, 1901, 1903, 2134, 2135, 2246, 2367.
638	Makes various changes regarding elections, ethics and financial disclosures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 410, 608, 611, 651, 725, 747,* 1837, 1903, 1990.
639	Revises provisions governing taxation, distribution and use of special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 411, 728, 773, 833,* 1294, 1473, 1475, 1570.
640	Authorizes director of department of motor vehicles and public safety to contract with agent to perform certain duties of department. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 411.
641	Makes various changes to Multistate Highway Transportation Agreement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Transportation. 412, 582, 625, 659, 666, 1336, 1338, 1466,* 1943, 1978, 2016.
642	Requires department of motor vehicles and public safety to offer to provide assistance to certain persons in complying with Military Selective Service Act under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 412.
643	Makes various changes to provisions governing issuance and use of special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 412, 609, 611, 652, 725, 747,* 1685, 1787, 1788, 1791, 1975, 1978, 2016.
644	Restricts administrative authority to authorize operation of vehicles exceeding certain width. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 412, 728, 774, 831.
645	Revises provisions regarding signs posted in school zones. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 413.
646	Revises provisions authorizing certain inspection stations and authorized inspection stations to renew certificates of registration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 413, 521, 575, 604,* 1294, 1332.
647	Authorizes municipality to sell, lease or exchange public land under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 413, 728, 756.
648	Provides for formation of regional fire protection district in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 413.
649	Revises certain provisions regarding governmental purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 413, 977, 980, 1018, 1156,* 1611, 1791.
650	Makes changes to population basis for exercise of certain powers by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 414, 465, 505, 517,* 1794, 1809, 1813, 1814, 1990.
651	Revises provisions relating to motorboats. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 414.
652	Increases amount of ad valorem tax that certain counties may levy for support of family courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 414.
653	Makes various changes to formula for distribution of certain revenues. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 414, 582, 625, 667, 668, 895, 908,* 1794, 1801, 1806, 1993, 2003, 2137, 2178, 2225, 2399, 2412, 2481.
654	Authorizes governing body of city or county to impose tax on nonresidential structures or require dedication of certain land for regional parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 415, 925, 926, 959, 981.
655	Exempts certain establishments from taxes on rental of transient lodging. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Taxation. 415.
656	Authorizes annual payment of business tax under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 415, 660, 737, 796,* 1225, 1243, 1347.

- No. Summary, Introducer and Page Reference*
- 657 Proposes to exempt from sales and use taxes certain items used by professional racing teams or sanctioning bodies and provides exemption from certain other taxes for such items. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 415, 910, 911, 947, 981, 1095, 1096,* 1294, 1332.
- 658 Makes appropriations to Budget Division of Department of Administration for continuation of development and roll out of Integrated Financial System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 415, 1878, 1881, 1885, 1949,* 2078, 2223.
- 659 Revises provisions pertaining to contents of policies adopted by certain larger school districts concerning reconstruction, renovation or replacement of older buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 416, 509, 533, 578,* 1573, 1681.
- 660 Prohibits boards of trustees of school districts from requiring certain licensed employees to submit fingerprints. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 416, 581, 625, 725, 747,* 748, 1294, 1331, 1332, 1611, 1612, 2086, 2105, 2492.
- 661 Revises and repeals various provisions concerning utilities and energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Energy. 416, 584, 848, 1173, 1217, 1246, 1331, 1336, 1391, 1393, 1537,* 2020, 2418, 2428, 2474, 2481.
- 662 Revises provisions relating to authorization for expenditure of money in Heil trust fund for wild horses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 469, 542, 583, 610, 1201, 1215, 1226,* 1573, 1681.
- 663 Revises provisions governing cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini, Amodei. 732, 971, 987, 1156,* 1294, 1332.
- 664 Revises districts for state board of education and board of regents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 1231, 1684, 1687, 1706, 1829, 1830,* 2174, 2205, 2220, 2276, 2359.
- 665 Revises districts for state legislators and representatives in congress. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 1231, 1293, 1315, 1323, 1324, 1325*.
- 666 Makes various technical changes to provisions of Nevada Revised Statutes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1280, 1335, 1338, 1356, 1537,* 2078, 2080, 2081, 2083, 2087, 2174, 2176, 2276, 2356, 2359, 2360, 2492.
- 667 Revives for limited time certain causes of action based on effects of silicone injected or implanted into body. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, McClain, Carpenter, Anderson, Ocegueda, Berman, Nolan. 1392, 1573, 1574, 1575, 1593, 1601*.
- 668 Temporarily limits annual increase in taxable value of property in certain areas for assessment of property taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Hettrick, Lee, Cegavske, Gibbons, Brower, Anderson, Angle, Arberry, Beers, Brown, Buckley, Carpenter, Collins, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Leslie, Manendo, Marvel, McClain, Nolan, Parnell, Perkins, Smith, Tiffany, Von Tobel. 1590, 2043, 2050, 2100, 2101, 2102*.
- 669 Revises provisions governing liquor. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1775, 2107, 2111, 2154, 2156,* 2415, 2492.
- 670 Revises provisions relating to issuance of license to practice as doctor of Oriental medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini, Giunchigliani, Perkins, Buckley. 2048, 2080, 2084,* 2134, 2492.
- 671 Makes appropriations to state distributive school account for class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2106, 2257,* 2415.
- 672 Makes appropriations for support of civil government of state. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2106, 2257,* 2415.
- 673 Increases salaries of certain public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2228, 2275, 2358,* 2415.
- 674 Revises districts for state legislators and representatives in congress. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins, Buckley. 2387*.

VETOED ASSEMBLY BILLS OF THE 70th SESSION

No.

Summary, Introducer and Page Reference

- 332 Makes various changes regarding evaluation and admonition of educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Anderson, Bache, Freeman, Parnell, Koivisto, Claborn, Mortenson, Ohrenschall, McClain, Buckley, Leslie, Collins, Manendo. 17, 76, 77, 78.

VETOED ASSEMBLY BILLS OF THE 71st SESSION

No.

Summary, Introducer and Page Reference

- 481 Prohibits in certain circumstances person operating sound amplification system in motor vehicle in certain manner. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Chowning, Gibbons, Brown, Ohrenschall, Anderson, Arberry, Carpenter, Claborn, de Braga, Dini, Freeman, Giunchigliani, Hettrick, Manendo, McClain, Mortenson, Nolan, Parks, Parnell, Perkins, Price, Tiffany, Wiener. 1638, 1941, 1942.

INITIATIVE PETITION

No.

Summary, Introducer and Page Reference

- 1 Nevada Tax Fairness and Quality School Funding Accountability Act. 17, 18, 19.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No.

Summary, Introducer and Page Reference

- 1....Urges President and Congress of United States to increase federal funding for special education to level authorized by Individuals with Disabilities Education Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske, Giunchigliani, Hettrick, Carpenter, Gibbons, Anderson, Arberry, Bache, Berman, Brower, Brown, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Goldwater, Gustavson, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Titus, Rawson, Wiener, Porter, Washington, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rhoads, Schneider, Shaffer, Townsend. 109, 491, 505, 518,* 1130, 1179.
- 2....Urges Congress to refrain from enacting measure to repeal ability of Nevada to license and regulate sports wagering in its current form and to enact National Collegiate and Amateur Athletic Protection Act of 2001. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins, Gibbons, Berman, Von Tobel, Manendo, Anderson, Angle, Arberry, Bache, Beers, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Smith, Tiffany, Porter, Washington, Rawson, Townsend, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Rhoads, Schneider, Shaffer, Titus, Wiener. 116, 117, 239, 252, 260,* 374, 417.
- 3....Proposes to amend Nevada Constitution to revise provisions governing right to vote and to repeal certain obsolete provisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Constitutional Amendments. 116, 257, 272, 283,* 2036, 2103.
- 4....Commends State of California and California Tahoe Conservancy for efforts pertaining to carrying out Environmental Improvement Program in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 151, 300, 327, 358,* 1130, 1179.
- 5....Urges Congress to allow states to extend Daylight Saving Time to conserve energy and to promote public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gibbons, Berman, Humke, Anderson, Angle, Arberry, Bache, Beers, Claborn, Collins, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Ocegüera, Parks, Parnell, Price, Smith, Tiffany, Von Tobel. 16, 25, 206, 239, 252, 260,* 430, 440, 441,* 2036.
- 6....Urges Nevada Congressional Delegation to support release of certain property in Clark County controlled by Bureau of Land Management for development of regional shooting sports park. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee, Perkins, Collins, Gustavson, Gibbons, Anderson, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Price, Tiffany, Von Tobel, Rawson, Titus, Schneider. 240, 300, 327, 358,* 1225, 1243.
- 7....Expresses support of Nevada Legislature for overturn of new federal regulations on surface mining. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins, Gibbons, Parks, Brown, de Braga, Anderson, Arberry, Bache, Beers, Berman, Brower, Carpenter, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Price, Smith, Tiffany, Von Tobel, Williams, Neal, O'Connell, Rhoads, Amodei, Rawson, Care, Carlton, Coffin, James, Mathews, McGinness, O'Donnell, Porter, Raggio, Shaffer, Townsend, Washington, Wiener. 288, 609, 611, 652, 725, 748,* 1337, 1571, 1681.
- 8....Proposes to amend Nevada Constitution to provide for separate taxation of certain property regulated by interstate compact and to provide for abatement of tax upon or exemption of part of assessed value of undeveloped land or single-family residence under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Hettrick. 311, 2080, 2084, 2100, 2101,* 2174, 2492.

LISTING OF ASSEMBLY RESOLUTIONS

No. Summary, Introducer and Page Reference

- 9 Urges Congress to repeal provision of federal law requiring state to record social security number of citizen on application for driver's license and on application for certain other licenses, permits and certificates issued by state for state to receive certain federal funding. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Constitutional Amendments. 330, 1572, 1574, 1575, 1624, 1638, 1649,* 1650, 2105, 2128, 2492.
- 10 Urges Congress to amend Social Security Act to modify certain reductions in social security benefits that are required for spouses and surviving spouses who are also receiving certain federal, state or local government pensions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 330, 727, 774, 833,* 2105, 2492.
- 11 Proposes to amend Nevada Constitution to allow legislature to authorize state to operate lottery for support of public education of children and for support of health and welfare of senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McClain, Price, Buckley, Giunchigliani, Parnell, Anderson, Arberry, Bache, Berman, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Goldwater, Koivisto, Lee, Leslie, Manendo, Marvel, Mortenson, Neighbors, Nolan, Oceguela, Parks, Perkins, Smith, Tiffany, Von Tobel, Williams. 362, 500, 1265, 1266, 1273, 1285*.
- 12 Proposes to amend Nevada Constitution to establish intermediate appellate court and revise term of person appointed to fill vacancy in office for supreme court justice, court of appeals judge or district judge. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Constitutional Amendments. 381, 909, 911, 949, 1032,* 1337, 1571, 1681.
- 13 Urges Congress to eliminate inequities in payment of social security benefits to certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo, Goldwater, Buckley, Parks, McClain, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Titus, Schneider, Coffin, O'Connell, Carlton, Amodei, Care, Jacobsen, Mathews, McGinness, Neal, Porter, Raggio, Rawson, Rhoads, Shaffer, Townsend, Wiener. 585, 846, 847, 894, 924,* 1337, 1571, 1681.
- 14 Proposes to amend Nevada Constitution to revise certain provisions relating to system of county and township government and compensation of certain elected officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1173, 1234, 1660, 1661, 2049, 2073, 2101, 2102, 2137, 2156, 2178,* 2179, 2415, 2492.
- 15 Urges President and Congress to support participation of Taiwan of Republic of China in World Health Organization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 1994, 1995,* 2019.

ASSEMBLY JOINT RESOLUTIONS OF THE 70th SESSION*No. Summary, Introducer and Page Reference*

- 4 Proposes to amend Nevada Constitution to repeal constitutional rule against perpetuities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater. 16, 19, 433, 449, 462,* 2036, 2103.
- 13 Proposes to amend Nevada Constitution to revise term of office of justice of the supreme court or judge of district court who is appointed to fill vacancy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Constitutional Amendments. 16, 19, 342, 372, 378, 393,* 1337, 1571, 1681.
- 22 Proposes to amend Nevada Constitution to create intermediate appellate court and revise term of person appointed to fill vacancy in supreme court or court of appeals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Constitutional Amendments. 16, 20.
- 26 Proposes to amend Nevada Constitution to exempt state contracts for improvement, acquisition and construction of facilities for schools from state debt limit. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani, O'Connell. 16, 24, 285, 309, 328, 1337, 1571, 2283.

**ASSEMBLY JOINT RESOLUTION OF THE 69th SESSION,
AS AMENDED BY THE 70th SESSION**

No.

Summary, Introducer and Page Reference

- 5 Proposes to amend Nevada Constitution to provide for limited annual legislative sessions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Price, Giunchigliani, Carpenter, Goldwater, Lambert, Sandoval, Manendo, Arberry, Mortenson, Lee, Segerblom, Evans, Freeman, Bache, Krenzer, Chowning, Nolan, Koivisto, Anderson, Buckley, Ohrenschall, Amodei, Close, Herrera, Parks, Cegavske, Williams, Berman, de Braga, Neighbors, Tiffany, Earnaut and Dini. 16, 25, 380, 430, 440, *441, 2103

ASSEMBLY CONCURRENT RESOLUTIONS

No.

Summary, Introducer and Page Reference

- 1 Adopts Joint Standing Rules of Senate and Assembly for 71st legislative session. Committee on Elections, Procedures, and Ethics. 28, 83, 87, 97.
- 2 Urges support for Women's Health Care Platform: Campaign 2000. Cegavske, Tiffany, Giunchigliani, Chowning, de Braga, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Claborn, Collins, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Parks, Parnell, Perkins, Price, Smith, Von Tobel, Williams, Titus, Rawson, Wiener, Porter, Washington, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rhoads, Schneider, Shaffer, Townsend. 109, 1194, 1209, 1337, 1570.
- 3 Directs Legislative Commission to conduct interim study concerning misdemeanors. Carpenter. 109, 2224, 2225, 2226, 2294, 2295, 2418.
- 4 Encourages the purchase of local agricultural products. Committee on Natural Resources, Agriculture, and Mining. 124, 191, 206, 257, 274.
- 5 Directs Legislative Commission to appoint committee to continue review of Tahoe Regional Planning Compact. Committee on Natural Resources, Agriculture, and Mining. 130, 342, 366, 2367.
- 6 Expresses support for projects for economic development at Tahoe-Reno Industrial Center. Dini, Amodei. 139, 521, 543, 585, 1280, 1310, 1332.
- 7 Directs Legislative Committee on Health Care to conduct interim study concerning development of system for reporting medical errors. Committee on Health and Human Services. 184, 728, 753, 1246, 1276.
- 8 Recognizes March 2, 2001, as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday. Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 214, 222, 224, 247.
- 9 Commends National Association of Women in Construction and declares March 4 through March 10, 2001, as Women in Construction Week in Nevada. Tiffany, Smith, Berman, Gibbons, Cegavske, Anderson, Angle, Arberry, Bache, Beers, Brower, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Von Tobel, Williams, Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 230, 232, 240, 255.
- 10 Urges Department of Human Resources to review federal Foster Care Independence Act of 1999 to determine feasibility of amending state plan for Medicaid to create new Medicaid eligibility group for young adults who have "aged out" of foster care. Committee on Judiciary. 264, 286, 301, 1280, 1332.
- 11 Grants administrative leave to legislative employees in recognition of their service to 71st session of Nevada Legislature. Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Smith, Tiffany, Von Tobel, Williams, Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 264, 286, 309.

- No. Summary, Introducer and Page Reference*
- 12....Memorializes long-time educator and native Nevadan, Orsie S. Graves. Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 286, 288, 301, 340.
- 13....Designates March 21, 2001, as E Clampus Vitus Day at Nevada Legislature. Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Claborn, Collins, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Williams, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 352, 353, 354, 355, 362, 378.
- 14....Commends all Nevada firefighters who fought wildland fires in Nevada and other western states during 2000 fire season. Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Smith, Tiffany, Von Tobel, Williams, Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 363, 365, 366, 374, 417.
- 15....Memorializes former Assemblyman John Frank Giomi. Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Amodei, Jacobsen, Raggio, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 374, 376, 380, 441.
- 16....Urges certain governmental agencies to post agendas of their public meetings on Internet. Committee on Government Affairs. 385.
- 17....Designates March 27, 2001, as Nevada Diabetes Awareness Day. Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 420, 421, 422, 434, 450.
- 18....Memorializes former Assemblywoman Jan Evans. Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 422, 425, 426, 427, 428, 429, 434, 450.
- 19....Commends former Nevada Legislator James E. Wood for his public service. Gibbons, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 435, 436, 437, 438, 439, 444, 463.
- 20....Declares April 3, 2001, as Equal Pay Day in Nevada. Chowning, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Mathews, Amodei, Care, Carlton, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 466, 467, 468, 469, 496, 518.

- No. Summary, Introducer and Page Reference*
- 21 Directs Legislative Commission to conduct interim study of issues regarding death penalty and related DNA testing. Fiscal Note: Effect on Local Government: Effect on the State: Anderson, Leslie, Giunchigliani, Williams, Parnell, Angle, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Oceguera, Ohrenschall, Parks, Perkins, Price, Smith, Tiffany, Neal. 578, 2224, 2225, 2226, 2294, 2295, 2418.
- 22 Directs Legislative Commission to conduct interim study relating to co-occurring disorders. Leslie, Anderson. 584.
- 23 Welcomes exhibit entitled “Una Storia Segreta” (A Secret Story) regarding treatment of certain Italian Americans during World War II. Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O’Connell, O’Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 661, 663, 728, 803.
- 24 Memorializes Julian Wallace. Ohrenschall, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O’Connell, O’Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 663, 665, 666, 728, 803.
- 25 Memorializes former Assemblyman and philanthropist Harold E. Fitz. de Braga, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, McGinness, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, Neal, O’Connell, O’Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 729, 730, 752, 908.
- 26 Commends musical group R.E.M. for encouraging prevention of teen suicide in one of their songs. Ohrenschall, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O’Connell, O’Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 730, 732, 752, 908.
- 27 Designates April 28, 2001, as Workers Memorial Day in Nevada. Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O’Connell, O’Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 1187, 1195, 1212.
- 28 Recognizes American Heart Association and commends its community outreach program Operation Heartbeat. Nolan, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Oceguera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O’Connell, O’Donnell, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 1195, 1214, 1232.
- 29 Memorializes former Speaker of the Assembly Paul W. May, Jr. Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguera, Ohrenschall, Parks, Parnell, Perkins, Smith, Tiffany, Von Tobel, Williams, Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O’Connell, O’Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 1201, 1203, 1204, 1214, 1232.

No. Summary, Introducer and Page Reference

- 30 Memorializes distinguished legislative advocate, Richard L. Morgan. Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 1205, 1207, 1208, 1209, 1214, 1232.
- 31 Directs Legislative Commission to conduct interim study of issues related to Internet commerce. Committee on Elections, Procedures, and Ethics. 1209.
- 32 Memorializes former Assemblyman and civil rights leader Woodrow Wilson. Arberry, Anderson, Angle, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Neal, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 1235, 1236, 1237, 1246, 1276.
- 33 Designates May 20 through May 26, 2001, as U.S. Merchant Marine and U.S. Navy Armed Guard Remembrance Week. Bache, Anderson, Angle, Arberry, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams, Shaffer, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Titus, Townsend, Washington, Wiener. 1237, 1238, 1239, 1246, 1276.
- 34 Recognizes May 16, 2001, as Peace Officers' Memorial Day in Nevada. Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 1297, 1298, 1299, 1300, 1319, 1490.
- 35 Provides for compensation of clergy for services rendered to Assembly and Senate during st session of Nevada Legislature. Committee on Elections, Procedures, and Ethics. 1573, 1685, 1876.
- 36 Directs Legislative Commission to conduct interim study of Public Employees' Benefits Program. Committee on Government Affairs. 1594.
- 37 Expresses support for goals of Disadvantaged Business Enterprise Program and contract compliance programs of Nevada Department of Transportation and urges creation of statewide task force to expand diversity in work force. Committee on Elections, Procedures, and Ethics. 1612, 2013.
- 38 Endorses support and expansion of programs that motivate students to learn more about democratic system of government. Committee on Constitutional Amendments. 1624, 1793, 1816, 1826, 2105, 2492.
- 39 Commends Chief and staff of State Printing Division of Department of Administration for services rendered to Nevada Legislature. Perkins, Buckley, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 1879, 1880, 1881, 1943, 2016.
- 40 Requests return to Assembly from Governor's office of Assembly Bill No. 302 of this session. Committee on Elections, Procedures, and Ethics. 1944, 1989, 2016.
- 41 Commends staff of Legislative Counsel Bureau. Perkins, Buckley, Dini, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Williams, Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 2045, 2046, 2047, 2048, 2078, 2492.

LISTING OF ASSEMBLY RESOLUTIONS

Iv

No. Summary, Introducer and Page Reference

- 42 Establishes Governor's Task Force on Tax Policy in Nevada. Committee on Elections, Procedures, and Ethics. 2295, 2418.

ASSEMBLY RESOLUTIONS

No. Summary, Introducer and Page Reference

- 1 Provides for appointment of attachés. Committee on Elections, Procedures, and Ethics. 41, 80.
- 2 Provides allowances to leadership and other members of Assembly for periodicals, stamps, stationery and communications. Committee on Elections, Procedures, and Ethics. 42, 80.
- 3 Adopts Assembly Standing Rules for 71st legislative session. Committee on Elections, Procedures, and Ethics. 42, 80.
- 4 Provides for appointment of additional attachés. Committee on Elections, Procedures, and Ethics. 117, 137.
- 5 Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 177, 209.
- 6 Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 434, 463.
- 7 Memorializes third-generation Elko County rancher and long-time Nevada Legislator Norman D. Glaser. Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 457, 459, 507.
- 8 Memorializes former Assemblywoman Louise Aloys Smith. Marvel, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 497, 539.
- 9 Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 498, 539.
- 10 Provides for appointment of additional attachés. Committee on Elections, Procedures, and Ethics. 827, 972.
- 11 Designates April 25, 2001, as Assembly Staff Appreciation Day. Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Williams. 911, 912, 913, 1179.
- 12 Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 977, 1179.
- 13 Commends former Assemblyman George Holbrook Hawes for his public service. Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1295, 1296, 1297, 1490.
- 14 Designates certain members of Assembly as regular and alternate members of Legislative Commission. Perkins, Buckley, Hettrick. 1996, 2103.

LISTING OF SENATE BILLS AND ACTION THEREON

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

No. Summary, Introducer and Page Reference

- 1 Makes appropriation to legislative fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Raggio, Titus. 67, 74,* 87.
- 2 Requires provider of insurance coverage for prescription drugs to disclose certain information regarding use of formulary and to continue coverage for prescribed drug under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 848, 1279, 1303, 1325,* 1571.
- 4 Makes various changes regarding insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend. 610.
- 6 Prohibits practice of requiring borrowers to insure improvements to real property for more than replacement value as condition of obtaining loan. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 218, 221, 1334, 1391, 1450, 1612, 1613, 1688,* 1939.
- 7 Revises provisions concerning certain programs for children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 161, 166, 343, 372, 378, 393,* 394, 441.
- 15 Enacts provisions regarding payment of fees to arbitrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 543, 544, 1200, 1215, 1226,* 1276.
- 16 Enacts provisions concerning disclosure of information in sale of property adjacent to open range. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 192, 194, 343, 372, 378, 394,* 441.
- 17 Repeals duplicative provision that prohibits unlicensed driver from operating vehicle for transporting children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 127, 1186, 1196, 1211,* 1232.
- 19 Provides that person who repairs appliances and electronics has lien for work performed and materials furnished. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 218, 221.
- 20 Allows resident of another state to obtain permit to carry concealed firearm in this state. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Washington. 661, 689, 1234, 1247, 1266,* 1267, 1332.
- 25 Revises provisions governing granting of rights to visitation with child to persons other than parents of child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Connell, Berman. By request. 380, 411, 1335, 1338, 1357, 1537,* 1944, 1987, 2044, 2134, 2271.
- 26 Creates fund for aviation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Donnell. 977, 978, 1246, 1336, 1338, 1358, 1538,* 1681.
- 27 Makes various changes relating to voting. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Wiener. 434, 439, 1334, 1338, 1358, 1538,* 1944, 1990.
- 28 Authorizes formation of associations of self-insured private employers to provide health coverage. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Amodei. 848, 1279, 1303, 1322.
- 29 Ratifies technical corrections made to NRS and Statutes of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 161, 166, 343, 372, 378, 394,* 441.
- 31 Revises provisions pertaining to assault and battery. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Carlton. 192, 194, 752, 807, 848, 1182, 1184,* 1212.
- 32 Allows witness to testify at preliminary examination or before grand jury through use of audiovisual technology under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 543, 545, 1200, 1215, 1226,* 1227, 1276.
- 33 Revises various provisions governing probate. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 192, 194, 1610, 1613, 1614, 1688,* 2044, 2103.

- 34 Revises provisions relating to appointment of temporary guardians and to investment for minors of their proceeds of compromises from legal disputes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 510, 511, 1246, 1253, 1285,* 1494, 1571.
- 36 Revises provisions governing forfeiture of property. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 522, 523, 1200, 1215, 1216, 1227,* 1494, 1571.
- 37 Revises provision requiring filing of annual report regarding children placed under informal supervision. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 161, 166, 343, 372, 378, 394,* 441.
- 38 Revises provisions governing Airport Authority of Washoe County. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend. 205, 208, 1335, 1338, 1358, 1538,* 1944, 1990.
- 39 Expands purposes for which proceeds of certain taxes on fuel for jet or turbine-powered aircraft may be used by governmental entity. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend. 661, 690, 1336, 1338, 1360, 1538, 1544, 1560,* 1685, 1791.
- 45 Provides remedy for dilution of marks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 213, 216, 1181, 1187, 1196, 1197,* 1232.
- 46 Increases maximum fee secretary of state may charge for providing special services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 434, 439, 1224, 1239, 1248, 1266,* 1332.
- 47 Provides for judicial approval of certain contracts involving minors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 362, 367.
- 48 Prohibits various acts related to Internet, networks, computers and electronic mail. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 910, 914, 1318, 1338, 1538,* 1681.
- 49 Adopts Uniform Electronic Transactions Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 240, 242, 1318, 1338, 1538, 1539,* 2044, 2050, 2225, 2275.
- 50 Revises provisions governing trade secrets. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 213, 216, 1181, 1188, 1197,* 1232.
- 51 Makes various changes pertaining to business associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 728, 733, 1279, 1303, 1325,* 1794, 1876.
- 52 Authorizes advanced practitioner of nursing to prescribe controlled substances under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 213, 216, 1181, 1188, 1197,* 1232.
- 53 Repeals provisions establishing criminal penalties for certain acts in derogation of bank. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 276, 281, 419, 440, 450, 462,* 507.
- 54 Provides for issuance of special license plates for appreciation of animals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rawson. 728, 733, 1224, 1239, 1285, 1304, 1322, 1464,* 1879, 1939.
- 55 Makes various changes to provisions regarding Western Interstate Commission for Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 192, 195.
- 56 Creates legislative oversight committee on transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. O'Donnell. 1173, 2080, 2085, 2097, 2122,* 2368, 2415.
- 57 Requires employers to grant leave for legislators to attend certain meetings during legislative interim. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton. 728, 733, 1293, 1321, 1464,* 1681.
- 59 Changes designation of privilege taxes on motor vehicles to governmental services taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Coffin. 192, 195, 276, 295, 301, 469, 489,* 507, 621.
- 60 Makes various changes concerning limitation on building permit fees charged by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 496, 499, 1172, 1182, 1188,* 1212.
- 61 Makes various changes to provisions relating to use of design-build teams on public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 584, 585, 1317, 1340, 1539,* 1944, 1990.
- 62 Revises provisions regarding mistreatment of animals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. O'Connell. By request. 661, 690, 1318, 1340, 1389, 1539,* 1944, 2012, 2044, 2276, 2360, 2361.

- No. Summary, Introducer and Page Reference*
- 63 Makes various changes to provisions relating to bidding on and awarding contracts for public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 584, 585, 1684, 1687, 1723, 1866,* 2019, 2041.
- 64 Authorizes payment of taxes assessed upon personal property under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 192, 195, 276, 295, 309, 328, 372.
- 65 Makes various changes to provisions relating to legislative committee to study distribution among local governments of revenue from state and local taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 522, 523, 1172, 1335, 1338, 1361, 1391, 1593, 1606, 1631, 1688*.
- 70 Revises provisions governing classification of manufactured homes as real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 510, 511, 1318, 1340, 1539, 1544, 1560,* 1561, 1681.
- 74 Clarifies provisions regarding regulation of residential facilities for groups. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 496, 499, 1194, 1210, 1217, 1218,* 1276.
- 75 Clarifies provisions relating to classification of employees of state printing division of department of administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 496, 499, 1234, 1247, 1266,* 1267, 1332.
- 77 Provides for issuance of special license plates and souvenir license plates to support construction, maintenance, improvement and promotion of Virginia & Truckee Railroad. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Amodei, Dini. 661, 690, 1186, 1196, 1210, 1215, 1221, 1227, 1229,* 1294, 1332.
- 83 Increases amount of homestead exemption. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Connell. 1173, 1174, 1493, 1494, 1498, 1591,* 1944, 1988, 2044, 2225, 2240.
- 84 Requires Department of Personnel to increase level of compensation of uniformed highway patrol positions and makes appropriations to State Board of Examiners. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Amodei, James, O'Connell, Washington, Porter, Care, Carlton, Jacobsen, Mathews, McGinness, Neal, Rawson, Rhoads, Shaffer, Titus, Townsend. 2013, 2224, 2228*.
- 86 Directs the Legislative Commission on Criminal Justice to conduct interim study concerning use of police powers on public school grounds and at school activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mathews. 2367.
- 87 Enacts provisions pertaining to child affected by battery which constitute domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Wiener, James, Care, Porter, Washington, Titus, McGinness. 510, 511, 1246, 1256, 1285,* 1494, 1783, 1879, 2036, 2038, 2041, 2223.
- 88 Provides for creation and foreclosure of liens for farm products. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Rhoads, McGinness. 752, 753, 1245, 1257, 1319, 1322, 1464,* 1681.
- 91 Makes various changes to provisions governing practice of medicine and respiratory care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 752, 753, 1245, 1257, 1285,* 1286, 1337, 1490.
- 93 Provides that notice of mechanic's lien must include statement identifying portion of demand to be used to pay sum owed to subcontractor or for labor or materials. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Donnell. 510, 511, 1130, 1176, 1182.
- 99 Makes various changes to provisions governing health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Connell. By request. 1130, 1132, 1593, 1594, 1632,* 1944, 1987, 2078, 2225, 2271, 2274.
- 100 Authorizes gaming control board to order removal of gaming device from establishment under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Neal. 510, 511, 1130, 1176, 1183,* 1212.
- 101 Authorizes certain facilities for senior citizens to conduct bingo games under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Neal, Wiener. 977, 978, 1318, 1338.
- 109 Makes appropriations relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1685, 1776, 2224, 2228, 2492*.

- 110 Repeals certain provisions relating to assistance to homeless persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 380, 411, 977, 1135, 1179, 1183,* 1212.
- 112 Revises certain provisions concerning amelioration of causes of poverty to conform to changes in federal law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 522, 523, 1493, 1494, 1506, 1591,* 1592, 1791.
- 113 Makes various changes to provisions governing program for millennium scholarships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 752, 753, 1186, 1196, 1211, 1215, 1541, 1542, 1592,* 1794, 1876.
- 114 Revises provisions governing bonding requirements of certain postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 444, 1200, 1215, 1227,* 1276.
- 115 Revises provisions governing suspension and expulsion of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 661, 690, 1492, 1494, 1506, 1592,* 1791.
- 116 Revises provisions governing use of restraints and interventions on persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 543, 545, 1493, 1494, 1506, 1592,* 1794, 1826, 1994, 2106, 2136.
- 118 Revises certain provisions governing fees charged by short-term lessors of passenger cars. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer. 728, 733, 1186, 1196, 1211,* 1232.
- 119 Requires taxicab authority to establish program for transportation by taxicab of elderly persons and permanently handicapped persons in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer. 910, 914, 1294, 1321, 1464,* 1681.
- 122 Makes various changes concerning tax imposed on revenues from rental of transient lodging. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 1130, 1132, 1336, 1338, 1361, 1544, 1561, 1592.
- 123 Makes various changes concerning municipal obligations and procedures of debt management commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1173, 1174, 1251, 1281, 1314, 1325,* 1571.
- 124 Requires allocation and remittance of money collected from certain taxes to be made directly to incorporated cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 510, 511, 1172, 1182, 1188,* 1212.
- 125 Makes various changes to provisions relating to financial reporting of local governments. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 434, 439, 1234, 1247, 1267, 1594, 1606, 1632,* 1876.
- 127 Authorizes Elko County School District to continue demonstration project in lieu of complying with class-size reduction program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 910, 914, 1622, 1624, 1626, 1627, 1629, 1688,* 1689, 1879.
- 133 Authorizes board of dental examiners of Nevada to issue certain licenses without examinations or clinical demonstrations to dentists and dental hygienists licensed in other jurisdictions under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer, Coffin, Titus, Carlton, Neal. 1173, 1174, 1593, 1600, 1632,* 1944, 1990.
- 135 Requires appointment of administrator for each veterans' home in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Care, Amodei, Wiener, Titus, Carlton, Jacobsen, Neighbors. 1319, 1320, 1335, 1391, 1451, 1539,* 1681.
- 137 Increases number of district judges in second and eighth judicial districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1685, 1776, 1777, 1943, 2091, 2122,* 2123, 2276.
- 138 Exempts Colorado River commission from State Budget Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 661, 690.
- 139 Makes various changes to financial administration of courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1685, 1776, 1993, 1996, 1999, 2023,* 2103.
- 141 Requires study of State Fire Marshal Division of Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 2367.

- No. Summary, Introducer and Page Reference*
- 143 Makes appropriations to certain judicial districts for continuation or establishment of programs of treatment for abuse of alcohol or controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1611, 1613, 2043, 2055, 2123,* 2276.
- 144 Revises provision relating to payment of certain transitional expenses for governor-elect. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 496, 499, 1319, 1340, 1540,* 1681.
- 145 Revises provisions governing distribution of money from state to school districts and charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 752, 753.
- 148 Makes various changes regarding education and educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2174, 2386, 2481,* 2482.
- 150 Authorizes board of county commissioners to designate animal as inherently dangerous and to provide for civil liability for person who violates certain ordinances relating to control of animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 610, 611, 1317, 1341, 1540, 1687, 1691,* 1692, 2019, 2041.
- 152 Designates Orovida series soil as official state soil. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 249, 251, 1172, 1182, 1188,* 1212.
- 153 Provides for examinations for licensure as cosmetologist to be offered in languages other than English. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Schneider. 276, 281, 1334, 1391, 1451, 1540,* 1681.
- 155 Authorizes change in boundaries of certain cities to become effective in certain circumstances within specified period before certain elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 249, 251, 1172, 1182, 1188, 1189, 1212, 1218,* 1276.
- 156 Makes various changes concerning exemptions from property and vehicle privilege taxes for veterans. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Shaffer, Care, Titus. 1130, 1132, 1318, 1341, 1541,* 1681.
- 159 Makes various changes concerning protectible interests in domestic water wells and appropriation of ground water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 610, 611, 1195, 1210, 1218,* 1276.
- 161 Requires applicant for permit to operate certain water systems to provide documentation that applicant possesses sufficient water rights to operate system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 343, 351, 1195, 1210, 1218,* 1219, 1276.
- 163 Makes various changes to provisions relating to enforcement of building codes by cities and counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 910, 914, 1279, 1306, 1325, 1326,* 1611, 1681.
- 164 Contingently authorizes purchase of municipal and revenue securities by state for improvement, acquisition and construction of facilities for certain public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Connell. 453, 1172, 1182, 1189,* 1212.
- 165 Makes various changes regarding education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 910, 914, 1660, 1661, 1689,* 1879, 1939.
- 167 Requires Department of Human Resources to study expansion of program of subsidies to senior citizens for prescription drugs and pharmaceutical services to include certain persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 977, 978.
- 170 Creates Nevada cultural fund and revises powers and duties of state arts council. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Rawson, James, Wiener, Titus, McGinness, Shaffer, Arberry, Mortenson, Manendo, Dini, Perkins. 1685, 1776, 2275, 2358*.
- 171 Revises standards for designation of gaming enterprise districts in certain locations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rawson, Berman, Beers. 661, 692, 1493, 1494, 1516, 1592,* 1593, 1944, 1988, 2044, 2276, 2362, 2481.
- 172 Removes limitation on number of firearms for which permit to carry concealed firearm may be issued. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rawson. 510, 511, 1234, 1247, 1267, 1268, 1269, 1270,* 1332.

- 174 Requires cooperative efforts to make available through existing state programs community-based services to provide minimum essential personal assistance to certain persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Rawson, Titus, Marvel, Giunchigliani, Parks, Leslie, Buckley. 1685, 1776, 2386, 2388*.
- 175 Makes various changes to provisions relating to disabled persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Schneider, Neal, Mathews, Wiener, Care, Titus, Shaffer, Giunchigliani, Parks, Beers, Carpenter, Chowning, Humke, Manendo, Nolan. 661, 692, 1317, 1341, 1546,* 1681.
- 179 Revises provisions governing admissibility in criminal proceeding of certain statements made by child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 510, 511, 1246, 1264, 1286,* 1332.
- 182 Removes authority for private person to take arrested person before nearest magistrate following arrest. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 380, 411, 1293, 1321, 1465,* 1944, 1990.
- 183 Revises provisions governing sexual conduct between pupils and persons in position of authority at schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 263, 272, 1245, 1264, 1286,* 1332.
- 184 Adjusts prospective salary of supreme court justices and district court judges. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 1832, 1834, 2386*.
- 190 Requires state board of examiners to determine amount of money to be deposited in motor vehicle revolving account. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 343, 351, 910, 987, 1156,* 1184.
- 191 Makes various changes regarding possession, care, custody and disposition of and liability for certain newborn infants. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Rawson, Carlton, Amodei, Care, Jacobsen, James, McGinness, O'Donnell, Porter, Rhoads, Titus, Washington, Coffin, Mathews, Wiener, Neal, Cegavske, Hettrick, Bache, Gustavson, Chowning, Anderson, Carpenter, Gibbons, Giunchigliani, Koivisto, Manendo, Mortenson, Parnell. 661, 692, 1252, 1281, 1314, 1326, 1347, 1466,* 1467, 1611, 1681.
- 193 Makes various changes concerning department of prisons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 1832, 1834, 1836, 1943, 2276, 2285, 2379, 2388,* 2481.
- 194 Makes changes pertaining to interstate compacts for supervision of offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 1611, 1613, 1943, 1946, 2001, 2023,* 2103.
- 196 Revises provisions relating to eligibility of school districts for grants of money to purchase library books. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mathews. 752, 754, 1336, 1338, 1361, 1540, 1690, 1698,* 1939.
- 197 Revises provisions governing date on which offender is eligible to be assigned to participate in therapeutic community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Rawson, Titus, Mathews, Care, Amodei, Coffin, McGinness, Neal, O'Connell, Porter, Schneider, Shaffer, Washington. 1130, 1132, 1252, 1281, 1314, 1326,* 1611, 1681.
- 198 Establishes bill of rights for persons whose financial or other business records are subject to examination by commissioner of financial institutions. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. O'Connell. 752, 754.
- 199 Makes appropriations for purchase and light renovation by Legislative Counsel Bureau of Capitol Apartments as described in land description verified pursuant to NRS 218.255. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 257, 259, 434, 449, 462, 463,* 507.
- 200 Expands authority of certain local governments with respect to administration of municipal finances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 249, 251, 1234, 1247, 1274, 1326, 1330,* 1571, 1602.
- 201 Makes various changes relating to certain loans made by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 249, 251, 1234, 1247, 1275, 1688, 1698,* 1939.
- 202 Makes various changes concerning state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 434, 439, 1335, 1338, 1361, 1546,* 2019, 2029, 2030, 2106, 2276, 2353, 2355.

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- 203 Makes various changes relating to ad valorem taxes to pay for operation of regional facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 496, 499, 1172, 1182, 1189,* 1225, 1232.
- 204 Revises definition of “manufacture” of substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Human Resources and Facilities. 752, 754, 1200, 1215, 1225, 1239,* 1240, 1494, 1571.
- 207 Requires department of human resources to establish program for provision of medical assistance to certain working persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Human Resources and Facilities. 1832, 1992, 1996, 1998, 2023, 2024,* 2103.
- 208 Makes various changes to provisions concerning public dental health. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Rawson. 1832, 1992, 1996, 1998, 2024,* 2106, 2223.
- 210 Makes various changes concerning regulation of utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 977, 978, 1541, 1543, 1601,* 1944, 1990.
- 211 Revises provisions governing sale of electricity and provision of transmission and distribution services by Colorado River commission and requires certain public utilities to make their electric distribution facilities and services available to Colorado River commission under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1173, 1174, 1336, 1338, 1362, 1547,* 1681.
- 216 Makes various changes pertaining to contractors who engage in repair, restoration, improvement or construction of residential pools and spas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Care, O'Donnell. 1173, 1174, 1698, 1699, 1728, 1735, 1829, 1830, 1849, 1870,* 1994, 2005, 2078, 2276, 2361, 2362.
- 219 Revises manner in which department of transportation is required to dispose of certain property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 728, 733, 1294, 1321, 1469, 1470, 1547, 1612, 1613, 1687, 1692,* 1993, 2016.
- 221 Authorizes City Council of City of Reno to increase tax on rental of transient lodging and levy special assessments to pay costs of certain capital improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 543, 545, 1392, 1498, 1601, 1602, 1603, 1604,* 1791.
- 222 Authorizes Nevada tax commission to exchange with certain local governmental entities information concerning businesses that are subject to business tax. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 496, 499, 1318, 1341, 1547,* 1681.
- 223 Revises provisions governing private elementary and secondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 453, 1492, 1494, 1516, 1604,* 1791.
- 224 Authorizes use of money from state distributive school account to support special counseling services for certain elementary school pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Porter. 1332.
- 225 Repeals prospective expiration of certain provisions concerning surcharges on telephone services in certain counties for enhancement of telephone systems for reporting emergencies in those counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 453, 454, 1234, 1247, 1275*.
- 227 Revises and repeals provisions that exempt certain property from taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1130, 1132, 1336, 1338, 1362, 1547,* 1553, 1685, 1791.
- 228 Authorizes state controller to appoint persons to certain positions in unclassified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 496, 499, 1335, 1391, 1451, 1456, 1540.
- 231 Revises provisions relating to detention homes for temporary detention of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 661, 692, 1245, 1264, 1286, 1329, 1330,* 1331, 1571.
- 232 Provides for collection of information on economic background of each child referred to system of juvenile justice and requires each juvenile probation department to determine whether children of racial or ethnic minorities and children from economically disadvantaged homes are receiving disparate treatment in system of juvenile justice. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 1794, 1943, 1946, 1989, 2001,* 2103.

- 233 Makes changes pertaining to correctional officers employed by department of prisons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 728, 733, 1186, 1196, 1211, 1231, 1240,* 1276.
- 234 Revises provisions governing statements of victims of crimes at sentencing hearings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Porter, James, Titus. 434, 439, 1245, 1264, 1286, 1329, 1331,* 1571.
- 236 Requires certain entities that employ children in entertainment industry to pay for tutoring. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carc, Neal, Carlton, Mathews, Schneider, Shaffer, Titus, Wiener, Giunchigliani, Koivisto, Angle, Beers, Cegavske, Chowning, Collins, Manendo, McClain, Mortenson, Parks, Tiffany. 522, 523, 1541, 1604,* 1794, 1876.
- 237 Removes commission on postsecondary education from department of education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Rawson, Amodei, Mathews, Schneider, Townsend. 301, 309, 1492, 1494, 1516, 1604,* 1791.
- 238 Makes various changes relating to tax on transfer of real property. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Taxation. 1173, 1174, 1336, 1338, 1362, 1547, 1548,* 1685, 1791.
- 239 Makes various changes concerning provision of prescription drugs and pharmaceutical services for senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 301, 309.
- 241 Revises provisions relating to determination of whether certain offenders constitute menace to health, safety or morals of others. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 1794, 1943, 1946.
- 242 Prohibits growing, cultivating or propagating of marijuana. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 910, 914.
- 243 Makes various changes concerning charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 728, 733, 1622, 1624, 1629, 1689,* 1879, 1939.
- 245 Provides for regulation of interpreters for persons who are deaf or whose hearing is impaired. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Mathews. 1130, 1133, 1492, 1494, 1516, 1604,* 1944, 1990.
- 247 Makes appropriations to Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1319, 1320, 1878, 1881, 1885, 1950,* 2041.
- 248 Makes supplemental appropriation to Department of Museums, Library and Arts for unanticipated additional utility costs, personnel costs and purchasing assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 496, 499, 1201, 1216, 1227,* 1228, 1276.
- 249 Makes supplemental appropriation to Secretary of State for unanticipated shortfall in money budgeted for salaries and costs for information services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 661, 692, 1336, 1338, 1363, 1548,* 1681.
- 250 Makes supplemental appropriation to State Department of Conservation and Natural Resources for certain shortfalls in budget. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 977, 978, 1319, 1341, 1548,* 1681.
- 251 Makes supplemental appropriation to Department of Education for shortfall in money budgeted for contractual obligations for Terra Nova Tests. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 496, 499, 1314, 1321, 1465,* 1681.
- 252 Makes changes concerning Nevada Life and Health Insurance Guaranty Association Act. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 728, 733, 1317, 1342, 1548,* 1685, 1791.
- 254 Establishes moratorium on execution of sentences of death of certain persons until July 1, 2003, and provides for study of issues regarding death penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Neal, Anderson, Leslie, Williams, Arberry, Giunchigliani. 752, 754.
- 255 Makes various changes concerning contract between design professional and public body for provision of services in connection with public work. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 752, 754, 1317, 1342, 1548,* 1681.

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- 257 Provides for issuance of special license plates recognizing current or former service as volunteer fire fighter and revises provisions relating to special license plates indicating employment as current or former professional full-time salaried fire fighter. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Care, O'Donnell, Carlton, Shaffer, Amodei, Jacobsen, Titus, Washington. 1130, 1133, 1319, 1342, 1543, 1574, 1606, 1632,* 1633, 1656,* 1879, 1939.
- 258 Makes various changes concerning tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 728, 733.
- 260 Revises provisions relating to drivers' licenses and identification cards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 343, 351, 1130, 1176, 1182, 1347, 1467, 1548,* 1549, 1879, 1939.
- 261 Makes various changes to provisions governing time shares and common-interest communities. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Schneider. 1319, 1321, 1493, 1494, 1519, 1594, 1687, 1692, 1866,* 1867, 2078, 2084, 2492.
- 263 Authorizes court to sentence person convicted of misdemeanor to make donation of money to charitable or educational organization under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 263, 272.
- 264 Provides for issuance of special license plates for support of preservation of history of atomic testing in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Neal, Care, Amodei, Carlton, Coffin, Jacobsen, James, Mathews, Porter, Shaffer, Wiener. 910, 914, 1201, 1216, 1228*.
- 265 Requires city or county to pay just compensation or authorize alternative location for certain nonconforming outdoor advertising structures under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 910, 914, 1572, 1574, 1576, 1633,* 2019, 2041.
- 267 Makes various changes regarding flood control and local drainage. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources. 1130, 1133, 1279, 1307, 1326,* 1571.
- 271 Provides for issuance of special volunteer medical license to retired physician to treat indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton, Rawson, Care, Neal, O'Connell, Amodei, Coffin, McGinness, Schneider, Shaffer, Giunchigliani, Parks, Anderson, Dini, Goldwater, Hettrick, Neighbors, Von Tobel. 661, 692, 845, 926, 1032,* 1179.
- 272 Makes various changes to charter of City of Wells. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 453, 454, 1240, 1247, 1275,* 1494, 1571.
- 273 Exempts from local school support tax and certain analogous taxes certain systems designed or adapted to use renewable energy to generate electricity. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Rhoads. 1173, 1174, 1318, 1346, 1549,* 1553, 1681.
- 274 Revises provisions governing rights and duties of contractors and subcontractors under contracts or subcontracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1173, 1174, 1334, 1391, 1451, 1549,* 1685, 1791.
- 277 Requires posting of sign in certain food establishments in which alcoholic beverages are sold that warns of dangers of drinking such beverages during pregnancy. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Wiener, Rawson, Neal, Porter, Care, Coffin, Jacobsen, Mathews, Townsend, Carpenter, Anderson, Arberry, Berman, Leslie, Nolan. 1685, 1776, 2275, 2286, 2379, 2482*.
- 281 Revises provisions governing embalmers and funeral directors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer. 510, 512, 1181, 1188, 1197,* 1232.
- 282 Removes certain limitations on amount of compensation that may be provided for loss of earnings and support and for funeral expenses of certain victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 444, 1130, 1179, 1183,* 1184, 1212.
- 283 Revises various provisions governing gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 661, 692, 1279, 1307, 1326,* 1327, 1571.
- 286 Revises provisions relating to certain committees that review issues pertaining to criminal justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 510, 512, 1573, 1574, 1577, 1633, 1827, 1869,* 2036, 2225, 2226, 2368, 2484, 2490.
- 288 Makes various changes to provisions concerning reckless driving so that those provisions apply to person who drives on premises to which public has access. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Transportation. 977, 978, 1336, 1338, 1363, 1389, 1688, 1697, 1867*.

- 289 Makes various changes concerning responses to certain crises involving violence on school property, at school activities or on school buses. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Human Resources and Facilities. 1130, 1133, 1492, 1494, 1519, 1605,* 1791.
- 291 Makes various changes concerning reporting and investigation of certain violent or sexual offenses committed on school property, on school buses or at school activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 1130, 1133, 1135.
- 292 Revises provisions governing charter schools and authorizes programs of distance education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 2106, 2107.
- 295 Provides for establishment of registry of putative fathers for purposes of facilitating termination of parental rights and adoption of certain children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rawson. 1993, 1996.
- 297 Makes various changes to provisions governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Connell. By request. 977, 978, 1391, 1455, 1460, 1549,* 1944, 1990.
- 298 Revises provisions relating to public employees' benefits program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 728, 734, 1335, 1338, 1364, 1549,* 1681.
- 299 Makes various changes relating to Airport Authority of Washoe County. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 496, 500, 1335, 1338, 1364, 1550, 1826, 1869,* 1990.
- 300 Abolishes bureau of alcohol and drug abuse of department of human resources and transfers powers and duties of bureau to health division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 661, 692, 1181, 1188, 1197,* 1198, 1232.
- 301 Makes various changes concerning certain professions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1130, 1133, 1335, 1338, 1364, 1550,* 1944, 1990.
- 302 Revises provisions governing payment of hospitals for serving indigent patients. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Human Resources and Facilities. 1130, 1133.
- 303 Makes various changes relating to insurance for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1173, 1174, 1336, 1338, 1364, 1494, 1541, 1560,* 1879, 2003, 2044, 2097, 2135, 2481, 2490, 2491.
- 304 Amends charter of City of Reno by increasing term of office of municipal judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 453, 454, 1194, 1210, 1219,* 1276.
- 306 Makes various changes relating to emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rawson, Jacobsen. 584, 585, 1234, 1248, 1320, 2107, 2112, 2154, 2157,* 2276.
- 307 Requires real estate division of department of business and industry to hire professional consultants to ensure compliance with certain provisions of federal law regarding appraisers of real estate and increases certain fees of real estate division. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Schneider. 1280, 1334, 1450, 1993, 1996, 1999, 2012, 2101, 2102,* 2492.
- 311 Requires Clark County School District to establish special planning committee to plan for construction of smaller schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Schneider, Neal, Shaffer, Buckley, Parks, Bache, Price, Beers, Arberry, Berman, Brown, Chowning, Claborn, Giunchigliani, Lee, Manendo, McClain, Mortenson, Tiffany. 977, 978, 1492, 1494, 1519, 1605,* 1791.
- 312 Amends charter of City of Sparks to prospectively change time for election of officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 496, 500, 1172, 1183, 1189,* 1212.
- 317 Revises provisions governing local government finance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 752, 754, 1336, 1338, 1373, 1550,* 1944, 1990.

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- 318 Creates task force on prostate cancer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio, Rawson, O'Donnell, Neal, Washington, Jacobsen, Care, Coffin, James, Mathews, McGinness, Porter, Rhoads, Shaffer, Titus, Wiener, Carlton, Schneider, Townsend. 510, 512, 1194, 1210, 1219,* 1276.
- 319 Provides for licensing and regulation of halfway houses for alcohol and drug abusers as facilities for dependent and repeals requirements for certification of operators of such halfway houses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. O'Donnell, O'Connell. 1685, 1776, 1993, 2003, 2043, 2073,* 2223.
- 320 Provides for external review of certain determinations made by managed care and health maintenance organizations. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. O'Connell, Buckley. By request. 1280, 1637, 1638, 1689,* 1944, 1987, 2106.
- 321 Requires state controller to transfer certain amount of money from intergovernmental transfer account in general fund to fund for institutional care of medically indigent. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. McGinness. 1832, 1993, 1996, 1999, 2024,* 2103.
- 323 Authorizes issuance of bonds, notes obligations or other evidences of borrowing to finance construction of super speed ground transportation system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus. 728, 734, 1201, 1216, 1228,* 1276.
- 324 Requires that toilet facilities in public buildings and places of public accommodation be identified with signs discernible by blind and other visually impaired persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Titus, Wiener, Care, Schneider, Neal, Coffin, Carlton. 661, 692, 1245, 1264, 1286,* 1332.
- 327 Revises provisions relating to certain hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Jacobsen. 977, 978, 1279, 1307, 1327,* 1571, 2118.
- 328 Revises provisions regarding requirement to obtain prior approval of certain expenditures for new construction by or on behalf of health facilities in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 661, 693, 1245, 1264, 1287,* 1332.
- 329 Prohibits certain public bodies from taking action by vote without affirmative vote of majority of entire public body. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care, Parks. 752, 754, 1251, 1281, 1314, 1327,* 1611, 1681.
- 330 Makes various changes relating to financial businesses. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Shaffer. 661, 693, 1334, 1338, 1377, 1550, 1651,* 1944, 1990.
- 334 Expands and changes name of Tricounty Railway Commission. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 496, 500, 1172, 1183, 1189,* 1212.
- 336 Adopts revised Uniform Arbitration Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 510, 512, 1335, 1338, 1378, 1550,* 1681.
- 337 Provides for regulation of boilers, elevators, pressure vessels, boiler inspectors and elevator mechanics. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Care, Titus, Carlton, Schneider, Wiener, Mathews, Neal. 977, 979, 1493, 1494, 1519, 1605,* 1791.
- 339 Provides for release of education record to certain persons under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 752, 754.
- 347 Designates state tartan. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, James, O'Donnell. 522, 523, 1172, 1183, 1189, 1190,* 1212.
- 349 Makes various changes regarding public employees' retirement system. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Finance. 1130, 1133, 1317, 1346, 1550, 1551,* 1681.
- 350 Increases membership of county fair and recreation board in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Jacobsen. 752, 754, 1194, 1210, 1219,* 1220, 1276.
- 352 Revises provisions regarding regulation of food establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 728, 734, 1572, 1574, 1578, 1631, 1689,* 1879, 1939.
- 355 Directs Legislative Commission to conduct interim study of competition between local governments and private enterprises in provision of certain goods or services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 2367.
- 356 Makes changes regarding filing of documents with secretary of state. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. O'Connell. 977, 979, 1493, 1494, 1519, 1605,* 2044, 2103.

- 357 Authorizes board of county commissioners of certain larger counties, in certain circumstances, to impose additional fee for each form certifying emission control compliance for limited period and revises provisions governing the disbursement of money from the pollution control account. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1173, 1174, 1318, 1347, 1356, 1834, 1849, 1865, 1874, 1875,* 1994, 2012, 2044.
- 358 Revises provisions relating to lease of state land for residential purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 661, 693, 1279, 1307, 1327,* 1571.
- 360 Requires addition of certain marker on Mount Charleston on schedule for placement of historical markers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Rawson, Wiener, Brown. 1494.
- 362 Consolidates and revises process for reviewing applications for permits, licenses and other approvals required to construct certain utility facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Care, Carlton, O'Connell, Porter, Coffin, Amodei, Raggio, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener, Perkins, Bache, Manendo, Parks, Buckley, Neighbors, Anderson, Dini, Freeman, Giunchigliani, Lee, Leslie, McClain, Mortenson, Ocegüera, Smith, Tiffany, Von Tobel. 806, 1638, 1648, 1689,* 1690, 1944, 1988, 1989, 2078, 2276, 2355, 2356.
- 363 Authorizes use of proceeds of certain taxes for certain highway improvement projects located wholly or partially outside boundaries of this state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Porter, Brown. 752, 754.
- 366 Enacts provisions governing establishment by district court of program for treatment of mentally ill offenders. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Townsend, Leslie. 752, 755, 1252, 1282, 1320, 2483, 2484, 2492*.
- 367 Provides for administration of certain activities to prevent or delay early sexual activity and reduce rate of pregnancies among unmarried teenage girls in Nevada. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Wiener, Rawson, Care, Titus, Washington, Amodei, Carlton, Mathews, McGinness, Neal, Schneider, Townsend. 1246, 1247, 1493, 1494, 1520, 1540, 2049, 2076,* 2223.
- 372 Revises provisions concerning conservation of energy and use of renewable energy. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 1130, 1133, 1336, 1338, 1378, 1551, 1552, 1553, 1554, 1555,* 1681, 2106, 2126,* 2492.
- 373 Makes various changes to provisions relating to labor commissioner. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 543, 545, 1194, 1210, 1220,* 1276.
- 374 Revises provisions concerning duty to erect and maintain signs to designate parking spaces for use by handicapped persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Jacobsen. 728, 734, 1201, 1216, 1228,* 1276.
- 376 Makes various changes relating to taxation. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 728, 734, 1318, 1347, 1495, 1547, 1561,* 1681.
- 377 Revises provisions governing payment of hospitals for treating disproportionate share of Medicaid patients, indigent patients or other low-income patients. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Human Resources and Facilities. 977, 979, 1572, 1574, 1579, 1593, 1612, 1637,* 1879, 2003, 2044, 2225, 2240, 2241.
- 378 Revises provisions relating to dentistry and dental hygiene. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 806, 1279, 1307, 1327,* 1571.
- 380 Revises provisions relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 977, 979, 980, 1318, 1347, 1555,* 1685, 1791.
- 381 Makes various changes to provisions governing tax on products made from tobacco, other than cigarettes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Jacobsen. 1130, 1133, 1336, 1338, 1378, 1555,* 1685, 1791.
- 389 Revises provision concerning amount paid to Civil Air Patrol account. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. O'Donnell, Rawson, Titus, Raggio, Jacobsen, Amodei, Care, Coffin, James, Mathews, McGinness, Neal, Porter, Rhoads, Schneider, Shaffer, Washington, Wiener. 543, 545, 1318, 1347, 1555,* 1681.
- 391 Makes appropriation to Western Interstate Commission for Higher Education's fund for student loans to provide scholarships to certain students. fund Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 2106, 2107.

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- 394 Revises provisions relating to practice of nursing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio. 1173, 1175, 1224, 1239, 1248, 1275,* 1332.
- 395 Transfers certain territory from Clark County to Nye County. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. McGinness, Neighbors. 661, 693, 1493, 1494, 1520, 1573, 1638, 1650,* 1651, 2019, 2041.
- 396 Makes various changes regarding traffic laws. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. McGinness. 1130, 1134, 1280, 1307, 1327, 1328, 1330, 1465,* 1879, 1939.
- 397 Prohibits certain acts related to drugs and Internet pharmacies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Wiener, Mathews, Neal, Rawson, Care, McGinness, Porter, Shaffer. 910, 914, 1318, 1347, 1555,* 1556, 1685, 1791.
- 399 Revises provisions governing charter schools and authorizes programs of distance education. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Care. 977, 979, 1698, 1699, 1735, 1867, 1868,* 1875, 1944, 2031, 2078, 2225, 2296, 2353.
- 401 Makes various changes to provisions governing office of science, engineering and technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rawson, Neal, O'Donnell. 496, 500, 1335, 1391, 1452, 1456, 1827, 1849, 1873, 1874,* 1875, 2019, 2041.
- 402 Expands authority of legislative committee on health care to review certain issues relating to long-term care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Rawson, Amodei, Care, Mathews, McGinness, Neal, O'Donnell, Schneider, Shaffer, Titus, Washington, Wiener. 1573, 1575, 1992, 1996, 1999, 2024,* 2103.
- 405 Makes various changes relating to practice of podiatry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 977, 979, 1492, 1494, 1520, 1605,* 1606, 1944, 1990.
- 406 Provides additional exception to prohibition against certain referrals of patients by health care practitioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei, Brower, Parnell. 510, 512, 1335, 1338, 1379, 1556,* 1685, 1791.
- 409 Provides for issuance of special license plates to support preserving federal lands surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing quality of life of local residents. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Porter. 910, 915, 1201, 1216, 1228,* 1229.
- 412 Revises various provisions pertaining to certain offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1173, 1175, 1335, 1338, 1379, 1556,* 1944, 1990.
- 414 Provides for limited issuance of special license plates to commemorate 100th anniversary of founding of City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Coffin, O'Donnell, Amodei, Shaffer, Wiener, Carlton, Porter, Rawson, Schneider, Tiffany, Cegavske, Gustavson, Hettrick, Manendo, McClain. 910, 915, 1201, 1216, 1227, 1230, 1240,* 1276.
- 415 Requires Legislative Auditor to conduct audit of Department of Transportation and Board of Directors of Department. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Titus, Amodei, Carlton, Schneider. 1172, 1175, 1319, 1350, 1556,* 1681.
- 416 Exempts certain persons and governmental entities from provisions governing licensure of private investigators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 1130, 1134.
- 418 Makes various changes to provisions governing sale of real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 977, 979, 1334, 1391, 1453, 1556,* 1685, 1777, 1944, 2106, 2135.
- 419 Requires Gaming Policy Committee to study certain issues. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 977, 979.
- 420 Requires occupational licensing boards to submit quarterly summaries of disciplinary actions and biennial reports of activities to director of legislative counsel bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Carlton, Townsend. 661, 693, 1279, 1310, 1328,* 1571.
- 421 Makes various changes to provisions governing common-interest communities. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Schneider. 584, 1182, 1214, 1215, 1848, 1849, 2049, 2065, 2123,* 2225, 2385.
- 424 Revises provisions concerning unlawful disposal of certain types of waste. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Titus. 1173, 1175, 1293, 1322, 1465,* 1681.

- 425 Makes various changes concerning certain utilities operated by certain governmental entities. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 1173, 1175, 1651, 1652, 1690,* 1944, 1990.
- 427 Makes appropriations for educational technology, textbooks and signing bonuses for teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1794, 2275, 2287, 2379, 2386,* 2387.
- 428 Makes appropriation to Department of Cultural Affairs for expenses relating to continued operation of Southern Nevada office of Nevada Humanities Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1944, 1945, 2049, 2076,* 2223.
- 431 Makes appropriation to Department of Museums, Library and Arts for grants for library collections and equipment requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1684, 1776, 2018, 2025,* 2103.
- 432 Makes appropriation to Department of Museums, Library and Arts for purchase of computer software and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 2018, 2025,* 2103.
- 433 Makes appropriations to Department of Cultural Affairs for purchase of equipment and to carry out statewide monument program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2036, 2037, 2134, 2154,* 2492.
- 435 Makes appropriation to Division of Mental Health and Developmental Services of Department of Human Resources for new and replacement equipment, maintenance, and new and replacement computer hardware and software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2025*.
- 436 Makes appropriation to Department of Human Resources for new and replacement equipment, operating expenses and new and replacement computer hardware and software for Rural Regional Center of Division of Mental Health and Developmental Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2025,* 2026, 2103.
- 437 Makes appropriation to National Judicial College to assist in securing public and private grants and other funding for support during 2001-2003 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2031,* 2103.
- 438 Makes appropriation to Louis W. McHardy National College of Juvenile and Family Justice to assist in securing public and private grants and other funding for support during 2001-2003 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2031,* 2103.
- 439 Makes appropriation to Division of Mental Health and Developmental Services of Department of Human Resources for new and replacement equipment and computer hardware and software at Desert Regional Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2031, 2032,* 2103.
- 440 Makes appropriation to Division of Mental Health and Developmental Services of Department of Human Resources for new and replacement equipment and computer hardware and software at Sierra Regional Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2032,* 2103.
- 441 Makes appropriation to Department of Human Resources for new and replacement equipment and computer hardware and software at Rural Clinics. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2032,* 2103.
- 442 Makes appropriations to Department of Prisons for various replacement equipment at certain facilities and ongoing expenses of Pioche Conservation Camp to lease certain equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2013, 2134, 2154,* 2492.

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- 444 Makes appropriation to Department of Motor Vehicles and Public Safety for security upgrades and operating expenses at various offices of Division of Parole and Probation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1944, 1945, 2049, 2077,* 2223.
- 445 Makes appropriations to Peace Officers' Standards and Training Commission for analysis of job tasks and study of physical fitness validation for peace officers and to Department of Motor Vehicles and Public Safety for various information technology upgrades. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1993, 1996, 2275, 2290, 2379, 2387,* 2418, 2481.
- 446 Makes appropriation to Department of Human Resources for new and replacement equipment and computer hardware and software for Division of Mental Health and Developmental Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2134, 2154,* 2492.
- 448 Makes appropriation to State Department of Conservation and Natural Resources for improvement projects at state parks and revises particular purposes and extends periods for expenditure of certain money previously appropriated for park improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1611, 1613, 2018, 2032,* 2103.
- 449 Makes appropriation to State Department of Conservation and Natural Resources for replacement equipment for Division of Forestry. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1993, 1997, 2134, 2154,* 2155, 2492.
- 450 Makes appropriation to State Department of Agriculture for vehicles and new equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2032,* 2103.
- 451 Makes appropriation to Lifeline Family Education Center for continuation of its nonprofit pregnancy assistance, educational and vocational training programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1944, 1945.
- 452 Makes appropriation to Alliance for the Mentally Ill of Nevada for expenses relating to training of volunteers, coordination of "Family to Family" program and evaluation of its success, and operation of toll-free telephone number for persons to call who need help caring for family member with serious brain disorder. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1944, 1945.
- 455 Makes appropriation to Department of Human Resources for new and replacement equipment, and hardware and software at Lakes Crossing Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1833, 2018, 2032,* 2033, 2103.
- 456 Makes appropriation to Division of Child and Family Services of Department of Human Resources for new and replacement equipment at Southern Nevada Child and Adolescent Services Juvenile Treatment Facility. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1834, 2018, 2033,* 2103.
- 457 Makes appropriation to Department of Museums, Library and Arts for conservation laboratory and extends reversion date for prior appropriation made to Department. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1832, 1834, 2018, 2033,* 2103.
- 458 Makes appropriation to Department of Education for cost-of-living bonus for all public employees in local school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2174, 2224, 2228*.
- 459 Makes appropriation to Department of Education to update Nevada Report Card software and to develop certain tests and examinations. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1993, 1997, 2379, 2382, 2418, 2483*.
- 460 Makes appropriation to University and Community College System of Nevada for operation of Harry Reid Center for Environmental Studies at University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1874.

- 461 Makes appropriation to University and Community College System of Nevada for new and replacement equipment and associated software in computing center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1319, 1321, 2018, 2033,* 2103.
- 462 Makes appropriation to Nevada Silver Haired Legislative Forum of Aging Services Division of Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1944, 1945, 2134, 2155,* 2492.
- 463 Makes appropriations to Department of Prisons for maintenance projects at certain facilities and ongoing expenses for various budget accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2013, 2134, 2155,* 2492.
- 464 Makes appropriation to Office of Secretary of State for various enabling technology projects, for promotional materials for Commercial Recordings Division, and for new and replacement equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1944, 1945, 2049, 2077,* 2223.
- 465 Makes various changes concerning adjudication emergency account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2134, 2224, 2229*.
- 466 Makes various changes regarding ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 910, 915, 1334, 1338, 1380, 1555, 1622, 1637,* 2019, 2041.
- 467 Requires board of wildlife commissioners to establish maximum number of deer and antelope tags which may be issued annually as compensation for damage to private property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 661, 693, 1294, 1322, 1465,* 1466, 1685, 1791.
- 468 Authorizes board of county commissioners to impose additional tax on transfer of real property for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 806.
- 470 Makes various changes relating to bonds issued by local government for local improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 752, 755, 1194, 1211, 1220,* 1276.
- 471 Makes various changes concerning adjutant general. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 910, 915, 1251, 1282, 1314, 1328,* 1571.
- 472 Provides for disincorporation of City of Gabbs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 584, 585, 1172, 1183, 1190,* 1212.
- 473 Authorizes public bodies to use indefinite quantity contracts for certain public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 752, 755.
- 474 Revises provisions of Uniform Commercial Code governing secured transactions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1130, 1134, 1246, 1264, 1287,* 1332.
- 476 Makes appropriation to Department of Motor Vehicles and Public Safety for wiring and modular furniture for Las Vegas Highway Patrol facility. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2276, 2295.
- 477 Makes appropriation to Department of Employment, Training and Rehabilitation for Independent Living State Client Services Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1794, 1795, 2049, 2077,* 2223.
- 478 Authorizes state department of conservation and natural resources to develop and carry out program to encourage certain persons to use clean-burning fuel in motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 1573, 1575, 2018, 2033,* 2103.
- 480 Extends date for submittal of biennial budgets proposed by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 752, 755, 1319, 1350, 1556,* 1557, 1681.
- 481 Provides for reorganization of department of motor vehicles and public safety into two departments. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Transportation. 1130, 1134, 1252, 1283, 1284, 2049, 2077,* 2225, 2492.

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- 482 Establishes prohibited and required conduct of person who uses skateboard park. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Human Resources and Facilities. 977, 979, 1279, 1311, 1320, 1612, 1623, 1690,* 1879, 1881, 1994, 2134, 2136.
- 483 Requires state board of health to license mobile medical facilities and facilities for refractive laser surgery. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 977, 979, 1318, 1350, 1557,* 1685, 1791.
- 484 Requires Legislative Committee on Health Care to study diversion of patients in need of emergency services and care from hospitals that lack sufficient resources to provide needed services and care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 910, 915, 1318, 1353, 1557*.
- 487 Authorizes additional types of investments for money in certain public funds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 910, 915, 1240, 1248, 1275, 1633, 1690,* 2019, 2041.
- 488 Revises authority of state treasurer to invest money held in certain trust funds and to administer proceeds from settlement agreements and civil litigation between State of Nevada and tobacco companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 977, 980, 1251, 1253, 1265, 1335.
- 489 Makes various changes regarding powers and duties of state treasurer and revises Uniform Disposition of Unclaimed Property Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1130, 1134, 1637, 1638, 1649, 1681, 1687, 1866, 1872,* 1873, 2019, 2029, 2106, 2368, 2373, 2378.
- 491 Makes appropriation to Opportunity Village Foundation and to Washoe Association for Retarded Citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1944, 1945, 2087, 2123,* 2276.
- 492 Clarifies provisions governing transfers of money to fund to stabilize the operation of the state government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 584, 586, 1252, 1283, 1314, 1328,* 1571.
- 494 Creates Nevada protection account in state general fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1944, 1945, 2049, 2077,* 2223.
- 496 Authorizes issuance of revenue bonds to finance certain buildings at Great Basin College. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1611, 1613, 2087, 2088, 2123,* 2124, 2276.
- 497 Authorizes issuance of general obligation bonds by state for purchase of certain facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1611, 1613, 2224, 2229*.
- 498 Revises authorized uses of appropriation made in previous session to Lincoln County School District and changes date of reversion of appropriation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1173, 1175, 2134, 2155,* 2492.
- 499 Eliminates parks marina development fund and expands permissible uses of money received from tax on motor vehicle fuel used in watercraft for recreational purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 610, 611, 1336, 1338, 1382, 1557,* 1685, 1791.
- 500 Revises various provisions of University Securities Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 661, 693, 1337, 1622, 1624, 1630, 1993, 1996, 2001,* 2106, 2223.
- 501 Repeals prospective expiration by limitation of provisions relating to appointment of commission counsel by commission on ethics. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 728, 734, 1200, 1216, 1229,* 1276.
- 502 Eliminates state job training office. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 661, 693, 1492, 1494, 1521, 1606,* 1794, 1876.
- 503 Revises provisions relating to service charge assessed by department of motor vehicles and public safety for dishonored payment of certain fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1173, 1175, 1246, 1264, 1287,* 1332.
- 504 Revises provisions relating to employment of wardens by department of prisons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 661, 693, 1318, 1353, 1356, 1827, 1869,* 1990.

- 505 Makes various changes relating to transfer of responsibility for dairy inspection program to state dairy commission of department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 1252, 2049, 2077,* 2078, 2223.
- 512 Revises provisions relating to accountants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 661, 693, 1194, 1211, 1220,* 1221, 1276.
- 513 Makes various changes to provisions relating to investigations and proceedings for disciplinary action by regulatory bodies who regulate certain professions, occupations and businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1173, 1175.
- 516 Requires affidavit in support of action for professional negligence against certain design professionals. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 1173, 1175, 1493, 1494, 1521, 1593, 1594, 1606, 1612, 1690, 1691, 1837, 1848.
- 517 Makes appropriation to restore and increase balance in reserve for statutory contingency account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 522, 523, 1224, 1239, 1248, 1276,* 1332.
- 518 Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2174, 2275, 2291, 2379, 2385,* 2386, 2481.
- 519 Provides for establishment of programs for re-entry into community of certain prisoners and parolees and revises provisions regarding sealing of records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 910, 915, 1252, 1283, 1338, 1456, 1557,* 1685, 1791.
- 520 Authorizes optional registration of vehicles for 2-year period and makes various changes in provisions governing imposition and procedure distribution of governmental services tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 1173, 1175, 1246, 1264, 1287.
- 521 Revises provisions concerning use of siren by emergency vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 977, 980, 1246, 1264, 1288,* 1332.
- 522 Clarifies certain provisions concerning administration of money in state highway fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 910, 915, 1319, 1353, 1495, 1827, 1869,* 1990.
- 523 Makes various changes relating to licensing and registration of motor vehicles, drivers and instructors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 1173, 1176, 1246, 1264, 1285, 1315, 1328,* 1329, 1571.
- 524 Authorizes electronic submission and storage of documents relating to vehicle registration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 910, 915, 1336, 1338, 1383, 1494, 1661, 1664, 1690, 1691,* 2019, 2030, 2079, 2225, 2274, 2275.
- 525 Revises provisions governing issuance of replacement license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 752, 755, 1201, 1216, 1225, 1336, 1338, 1466,* 1681.
- 527 Revises provisions governing contraband cigarettes, cigarette dealers and enforcement of statutes regarding cigarettes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 728, 734, 1610, 1613, 1620, 1691,* 1993, 2016.
- 528 Clarifies provisions relating to taxation of medical devices sold to governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 977, 980, 1318, 1353, 1557,* 1558, 1681.
- 530 Makes various changes concerning regional planning in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 977, 980, 1335, 1338, 1383, 1558,* 1944, 1990.
- 531 Revises provisions concerning Colorado River commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1130, 1134, 1335, 1338, 1383, 1495, 1544, 1546, 1849, 1996, 2002, 2024,* 2106, 2223.
- 532 Revises provisions governing fencing of certain land that is used to graze or herd livestock. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 752, 755.
- 533 Authorizes control officer of local air pollution control board to request initiation of certain proceedings regarding enforcement of certain laws pertaining to control of air pollution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 910, 915, 1318, 1353, 1558,* 1681.

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- 535 Authorizes local air pollution control agency in certain counties to establish program to reduce and control air pollution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1173, 1176, 1493, 1494, 1523, 1606, 1636,* 1879, 1939.
- 536 Requires creation, by cooperative agreement, of separate entity to establish and administer program for control of air pollution in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 910, 916, 1318, 1353, 1450, 1834, 1869,* 1870, 1990.
- 539 Makes various changes concerning fund for a healthy Nevada and program to provide prescription drugs and pharmaceutical services to senior citizens with low incomes under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 1173, 1176, 1848, 1849, 1874, 1875,* 1944, 1990.
- 540 Changes name of Nevada mental health institute to northern Nevada adult mental health services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 752, 755, 1293, 1322, 1466,* 1681.
- 541 Makes various changes to provisions governing department of museums, library and arts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 1130, 1134, 1234, 1248, 1276, 1328, 1330,* 1571.
- 543 Makes various changes concerning contracts that faculty members and employees of University and Community College System of Nevada may enter into or benefit from. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 752, 755, 1492, 1494, 1524, 1606, 1633, 1826, 1868, 1873,* 1990.
- 544 Makes various changes to provisions governing practice of pharmacy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 910, 916, 1318, 1353, 1495, 1661, 1664, 1691,* 1944, 1990.
- 546 Revises penalties for abuse or neglect of child. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 910, 916, 1335, 1338, 1383, 1558,* 1681.
- 547 Makes various changes pertaining to litigation involving prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 661, 694.
- 548 Makes various changes concerning sex offenders and other persons convicted of crimes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 910, 916, 1335, 1338, 1384, 1558,* 1944, 1990.
- 550 Allows division of parole and probation of department of motor vehicles and public safety to contract with person to conduct presentence investigation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 728, 734.
- 551 Makes various changes concerning computers, technology, Internet and crimes against children. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 977, 980, 1573, 1574, 1581, 1636,* 1944, 1988, 2044, 2135.
- 552 Makes various changes relating to assistance to finance housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 1130, 1134, 1335, 1338, 1384, 1558,* 1944, 1990.
- 553 Makes various changes concerning finances of local governments. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 1130, 1134, 1572, 1574, 1584, 1636, 1637,* 2019, 2041.
- 554 Makes various changes concerning land use planning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1130, 1134, 1251, 1283, 1314, 1329,* 1611, 1672, 2019, 2225, 2260, 2270.
- 555 Makes various changes in general laws governing cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1130, 1135, 1234, 1248, 1276,* 1332.
- 556 Prohibits reprisal or retaliatory action against officer or employee of local government who discloses improper governmental action. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 910, 916, 1335, 1338, 1384, 1559,* 2078, 2379.
- 557 Makes various changes concerning distribution of certain revenue from tax on certain motor vehicle fuel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 661, 694, 1336, 1338, 1385, 1559,* 1685, 1791.
- 558 Strengthens protection of patents and trade secrets. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1173, 1176, 1279, 1311, 1329,* 1571.

- 560 Makes various changes to provisions relating to employment practices and prevailing wages for public works. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 1252, 1335, 1338, 1387, 1559,* 1681.
- 561 Makes various changes concerning division of internal audits of department of administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 910, 916, 1251, 1284, 1314, 1329,* 1571.
- 563 Makes various changes relating to telecommunications. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1130, 1135, 1245, 1264, 1280, 1320, 1330, 1466,* 1469, 1469,* 1470, 1944, 1990.
- 565 Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 1130, 1135, 1492, 1494, 1524, 1540, 1651, 1691,* 2019, 2137, 2153, 2276, 2492.
- 566 Requires release of certain liens created by former state industrial insurance system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 910, 916, 1317, 1356, 1559,* 1681.
- 568 Allows risk management division of department of administration and attorney general to assess counties for certain tort claims under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 977, 980, 1335, 1338, 1387, 1559,* 2019, 2041.
- 569 Makes various changes relating to enhancements of telephone systems for reporting emergencies in counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 1225, 1335, 1338, 1388, 1559,* 1560, 1944, 1990.
- 570 Makes various changes relating to legislature and legislative counsel bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Affairs and Operations. 1573, 1575, 2018, 2021, 2073,* 2368, 2415.
- 571 Revises provisions governing business tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. James, Raggio, O'Donnell, Amodei, Rawson, Jacobsen, McGinness, Porter, Townsend, Washington. 1294.
- 572 Provides immunity from civil liability for person who reports threats of violence against school officials, school employees or pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Wiener, Mathews, Coffin, Carlton, Care, Neal, Schneider, Shaffer. 2036, 2037, 2157, 2167,* 2168, 2492.
- 573 Transfers office for hospital patients from department of business and industry to office of governor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1685, 1777, 1878, 1879, 2049, 2078,* 2223.
- 574 Transfers responsibility for administering program for property tax assistance for senior citizens from department of taxation to aging services division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance. 1684, 1777, 1992, 1996, 1999, 2024,* 2025, 2106, 2223.
- 575 Revises districts for state legislators and representatives in congress. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 2418.
- 576 Makes various changes to provisions governing fully regulated carriers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. O'Donnell. 1993, 1997, 2087, 2089, 2124,* 2225, 2230, 2368.
- 577 Revises statutory liability of corporate stockholders, directors and officers and increases fees for filing certain documents with secretary of state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. James, Raggio, O'Donnell, Amodei, Rawson, Jacobsen, McGinness. 1320, 1794, 1795, 2049, 2055, 2124, 2125, 2126,* 2225, 2226, 2368, 2398, 2399.
- 578 Revises provisions governing certain fees charged by department of motor vehicles and public safety and transfers of money to state highway fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance. 1943, 1945, 2224, 2229*.
- 579 Revises provisions governing compensation of certain legislative employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 2013, 2134, 2155,* 2492.
- 581 Makes supplemental appropriation to Western Interstate Commission for Higher Education for projected shortfall in personnel services category. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2012, 2013, 2134, 2155,* 2156, 2492.

LISTING OF SENATE BILLS

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No.

Summary, Introducer and Page Reference

- 582 Revises provisions governing certain appropriations for public lands and China Spring Youth Camp. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 2036, 2037.
- 583 Establishes grant program for development of projects relating to tourism. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 2106, 2107, 2275, 2358*.
- 584 Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2258, 2275, 2358,* 2359.
- 585 Apportions state distributive school account in state general fund for 2001-2003 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2258, 2275, 2359*.
- 586 Authorizes expenditures by agencies of state government. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance. 2258, 2275, 2359*.
- 587 Makes appropriation to Interim Finance Committee to assist school districts in paying for health insurance for employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2415, 2416*.
- 588 Makes appropriation to Interim Finance Committee to provide assistance to certain educational programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2415, 2417*.

LISTING OF SENATE RESOLUTIONS AND ACTION THEREON

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

SENATE JOINT RESOLUTIONS

No.

Summary, Introducer and Page Reference

- 1 Expresses support of Nevada Legislature for amendment to Federal Land Policy and Management Act of 1976 to require identification, mapping and recognition of certain rights of way across land administered by Federal Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 543, 545, 1246, 1265, 1288, 1289,* 1332.
- 2 Expresses opposition to designation of national monument by President of United States without obtaining approval of each state and local government in which national monument is located. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 610, 1195, 1211, 1221,* 1276.
- 6 Provides notice of disapproval to Congress if Yucca Mountain is recommended as site for repository for spent nuclear fuel and high-level radioactive waste. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Wiener, Schneider, Mathews, Carlton, Amodei, Care, Coffin, Jacobsen, James, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Shaffer, Townsend, Washington, Perkins, Buckley, Gibbons, Parks, Bache, Koivisto, Leslie, Anderson, Angle, Arberry, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Lee, Manendo, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parnell, Price, Smith, Von Tobel, Williams. 236, 237,* 255.
- 7 Urges United States Department of State to approve establishment of Mexican Consulate in Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Affairs and Operations. 496, 498, 500, 2224, 2228*.
- 9 Urges Congress to declare crash site near summit of Mount Charleston as "Silent Heroes of the Cold War National Monument." Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Brown, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 296, 297,* 340.
- 11 Urges Congress to direct appropriate federal agencies to prepare environmental impact statement relating to transportation of nuclear waste materials to Yucca Mountain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Porter, Titus, Washington, Care, O'Connell, Rawson, Amodei, Coffin, James, McGinness, Rhoads, Shaffer, Wiener, Perkins. 1681.
- 12 Urges Congress to require Bureau of Land Management of United States Department of the Interior and United States Environmental Protection Agency to take certain actions to prevent and reduce air pollution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1130, 1131.
- 13 Expresses support for certain applications for capital grant funding from Federal Transit Administration and urges Nevada Congressional Delegation to pursue attainment of these grants. Fiscal Note: Effect on Local Government: No. Effect on State: No. Committee on Transportation. 1294, 1301, 1493, 1494, 1525, 1606, 1637,* 1876.
- 14 Urges Congress to dedicate Old Spanish Trail and Antonio Armijo Route of Old Spanish Trail as National Historic Trail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Mathews, Amodei, Care, Carlton, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener, Manendo, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1198,* 1232.

SENATE JOINT RESOLUTIONS OF THE 70th SESSION

No. Summary, Introducer and Page Reference

- 11 Proposes to amend Nevada Constitution to authorize abatement of property tax for certain owners of single-family residences Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Connell. 240, 909, 1318, 1356, 1560*.
- 20 Proposes to amend Nevada Constitution to provide requirements for enactment of property and sales tax exemptions Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 496, 498, 2229, 2357,* 2358, 2481, 2484.

SENATE CONCURRENT RESOLUTIONS

No. Summary, Introducer and Page Reference

- 1 Recognizes February 6, 2001, as Ronald Reagan Day. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 74, 75, 87.
- 3 Directs Legislative Commission to appoint interim committee to study problem of suicide and feasibility of creating statewide strategy to prevent suicide. O'Connell. By request. 2368.
- 5 Directs Legislative Committee on Public Lands to conduct certain studies. Committee on Natural Resources. 2368.
- 7 Encourages Family Resource Centers to work closely with Aging Services Division of Department of Human Resources to provide information to public regarding services available for senior citizens. Wiener, Rawson, Townsend, Schneider, Washington, Amodei, Mathews. 444, 846, 911, 1179.
- 9 Urges Department of Transportation to conduct study of feasibility of constructing highway between Mesquite and Caliente. Rawson. 2368.
- 10 Urges various persons and entities to coordinate efforts to promote economic development and diversification in this state. Committee on Judiciary. 213, 216, 1181, 1187, 1212.
- 11 Endorses creation of business courts in Second and Eighth Judicial Districts through adoption of court rules developed by Business Court Task Force. Committee on Judiciary. 276, 277.
- 12 Recognizes February 20, 2001, as Girls and Women in Sports Day in Nevada. Mathews, Amodei, Care, Carlton, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Leslie, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 144, 175.
- 13 Memorializes long-time Nevada Legislator Archie Pozzi, Jr. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 188, 189, 217.
- 14 Commends Michele and John Laws for their work as advocates for abused and neglected children. Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Brown, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 200, 201, 217.
- 15 Commemorates 90th anniversary of Las Vegas Chamber of Commerce. Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener, Beers, Anderson, Angle, Arberry, Bache, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 222, 247.

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- 16 Memorializes attorney and businessman Virgil Henry Wedge. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 234, 255.
- 17 Urges Commission on Mental Health and Developmental Services in cooperation with Department of Education, University and Community College System of Nevada and local school districts to take steps necessary to increase public awareness of certain eating disorders. Wiener, Rawson, Mathews, Amodei, Titus, Care, McGinness, Neal, O'Connell, Schneider, Townsend, Washington. 496, 498, 846, 911, 1179.
- 18 Urges and encourages various persons, organizations, agencies, governmental entities and educational institutions to take certain actions to promote school safety and reduce juvenile violence. Committee on Human Resources and Facilities. 496, 498, 1289, 1301, 1332.
- 19 Memorializes longtime newspaper columnist, editor and publisher, Jack McCloskey. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 245, 246, 260.
- 20 Recognizes 70th anniversary of Boulder City. Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Brown, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 276, 281, 309.
- 21 Memorializes former legislator Peter Ignacio Echeverria, Esq. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 288, 289, 290, 340.
- 22 Memorializes long-time lobbyist, John W. Riggs, Sr. Coffin, Raggio, Amodei, Care, Carlton, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 358, 359, 378.
- 23 Commends Joseph N. Crowley on his service as President of University of Nevada, Reno. Mathews, Amodei, Care, Carlton, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Freeman, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 369, 370, 371, 417.
- 24 Urges Commission on Tourism and Commission on Economic Development to promote Nevada as state where choice in health care is available. Committee on Government Affairs. 1246, 1247, 1943, 1946, 1989, 2041.
- 25 Congratulates Dr. John H. Seinfeld for being selected recipient of 2001 Nevada Medal presented by Desert Research Institute and sponsored by shareholders of Nevada Bell. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 420, 429, 430, 450.

- 26 Proclaims April 2, 2001, as Prostate Cancer Awareness Day and September as Prostate Cancer Awareness Month. Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener. 460, 507.
- 27 Memorializes distinguished civil rights leader Bertha Woodard. Mathews, Amodei, Care, Carlton, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Leslie, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 479, 480, 507.
- 28 Commends Stanley Fuke for his years of service to public schools and public school libraries. Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Tiffany, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Von Tobel, Williams. 490, 507.
- 29 Designates April 5, 2001, as Kiwanis Day in Nevada. McGinness, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 501, 539.
- 30 Congratulates Mineral County High School girls' basketball team for winning 2000 and 2001 state championships. McGinness, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Neighbors, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 501, 539.
- 33 Commends Trauma Intervention Programs Inc. on its service to community. Carlton, Amodei, Care, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Williams. 661, 667, 803.
- 34 Honors University Studies Abroad Consortium within University and Community College System of Nevada. Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener, Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 667, 668, 803.
- 35 Commends Buzz Aldrin for his lifetime achievements. Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener, Dini, Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel, Williams. 694, 718, 803.

No. Summary, Introducer and Page Reference

- 36 Memorializes legendary coach and teacher James "Bud" Hurin. Neal, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Gibbons, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1190, 1212.
- 37 Commends recipient of 2001 Prudential Spirit of Community Award, Jennifer Johansson. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1219, 1276.
- 38 Memorializes former lobbyist Lee Smith. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1220, 1276.
- 39 Recognizes celebration of 150th anniversary of establishment of permanent, non-Indian settlements in Dayton, Genoa and Carson City, Nevada. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1240, 1241, 1276.
- 40 Declares that certain regulations to which Legislative Commission has objected will not become effective. Committee on Government Affairs. 1240, 1241, 1276.
- 41 Recognizes May 9, 2001, as Alzheimer's Disease Awareness Day. Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Brown, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1240, 1241, 1242, 1276.
- 42 Proclaims September 15 through September 21, 2001, as Nevada Mediation Week. Titus, Mathews, Amodei, Care, Carlton, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener, Oceguela, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1271, 1332.
- 43 Supports construction and operation of performing arts center in Southern Nevada. Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Parks, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1271, 1273, 1332.
- 44 Memorializes prominent Nevada rancher Brooks Park. Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1287, 1288, 1332.

- 45 Memorializes award-winning author Robert Laxalt. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1289, 1290, 1291, 1332.
- 46 Urges City of Sparks to name park in memory of Jeanne L. Botts. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1311, 1312, 1313, 1332.
- 47 Memorializes prominent Carson City optometrist Dr. William Van Patten. Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1311, 1313, 1332.
- 48 Memorializes Dennis Kollar, former Deputy Director for Peace Officers' Standards and Training Commission. Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Hettrick, Brower, Anderson, Angle, Arberry, Bache, Beers, Berman, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1311, 1313, 1332.
- 49 Commemorates contributions of legendary mail carrier John A. "Snowshoe" Thompson. Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 1573, 1574, 1791.
- 50 Directs Legislative Commission to conduct interim study of certain systems that offer health benefits provided by various governmental employers. Committee on Legislative Affairs and Operations. 2367.
- 51 Encourages use of systems to suppress engine compartment fires in school buses. Rawson. 2019, 2020, 2103.
- 52 Commends Shelda Gamble for her service as Administrative Assistant to President of University of Nevada, Reno. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 2019, 2034, 2223.
- 53 Requests return to Senate from Governor's office of Senate Bill No. 372 of this session. Committee on Commerce and Labor. 2036, 2037, 2103, 2106.
- 54 Commends students and teachers at Aggie Roberts Elementary School and all other school classes that have proposed legislation and encourages their continued participation in legislative process. O'Donnell, O'Connell, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, Wiener, Buckley, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel, Williams. 2367.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY
Seventy-First Session, 2001

<i>Title</i>	<i>Name</i>	<i>Mailing Address</i>
Speaker	Richard D. Perkins	408 Glasgow Street, Henderson 89015-5631
Speaker pro Tempore	Wendell P. Williams	3701 Fortune Avenue, Las Vegas 89107-2147
Chief Clerk.....	Jacqueline Sneddon.....	401 South Carson Street Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventy-First Session, 2001

<i>District</i>	<i>Name and Party</i>	<i>Mailing Address</i>
Carson City (part), Washoe (part), No. 37.....	Brower, Gregory (R).....	P.O. Box 281 Reno 89504-0281
Carson City (part), No. 40.....	Parnell, Bonnie (D).....	2501 Nona Drive, Carson City 89701-5615
Clark, No. 1.....	Collins, Clarence W. (Tom) (D)	4716 San Miguel Avenue, North Las Vegas 89032-2828
Clark, No. 2.....	Berman, Merle (R).....	2012 Gray Eagle Way, Las Vegas 89117-5738
Clark, No. 3.....	Lee, John Jay (D).....	4201 Del Rey Avenue, Las Vegas 89102-3858
Clark, No. 4.....	Beers, Bob (R)	9428 Grenville Avenue, Las Vegas 89134-6206
Clark, No. 5.....	Cegavske, Barbara K. (R)	6465 Laredo Street, Las Vegas 89146-5272
Clark, No. 6.....	Williams, Wendell P. (D).....	3701 Fortune Avenue, Las Vegas 89107-2147
Clark, No. 7.....	Arberry, Morse, Jr. (D).....	1330 Virginia City Avenue, Las Vegas 89106-2052
Clark, No. 8.....	Buckley, Barbara E. (D).....	5442 Holbrook Drive, Las Vegas 89103-2439
Clark, No. 9.....	Giunchigliani, Christina R. (Chris) (D).....	706 Bracken Avenue, Las Vegas 89104-1644
Clark, No. 10.....	Goldwater, David E. (D).....	2701 Miraflores Avenue, Las Vegas 89102-4260
Clark, No. 11.....	Bache, Douglas A. (D).....	2236 Melinda Avenue, Las Vegas 89101-1434
Clark, No. 12.....	Ohrenschall, Genie (D).....	1124 S. 15th Street, Las Vegas 89104-1740
Clark, No. 13.....	Nolan, Dennis (R).....	P. O. Box 82249, Las Vegas 89180-2249
Clark, No. 14.....	Koivisto, Ellen M. (D)	1147 Timber Ridge Court, Las Vegas 89110-2545
Clark, No. 15.....	McClain, Kathy (D)	107 Greenbriar Townhouse Way, Las Vegas, 89121-2456
Clark, No. 16.....	Oceguera, John (D).....	4560 El Campana Way, Las Vegas, 89121-6510
Clark, No. 17.....	Price, Robert E. (Bob) (D)	P. O. Box 3759, North Las Vegas 89036-3759
Clark, No. 18.....	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 19.....	Claborn, Jerry (D).....	6617 Network Circle, Las Vegas, 89156-7015
Clark, No. 20.....	Von Tobel, Kathleen A. (Kathy) (R).....	8020 Las Vegas Blvd., S., #20, Las Vegas 89123-1014
Clark, No. 21.....	Tiffany, Sandra (R).....	2156 Sun Swept Way, Henderson 89014-4273

<i>District</i>	<i>Name and Party</i>	<i>Mailing Address</i>
Clark, No. 22.....	Brown, David F. (R)	2569 Wild Grass Court, Henderson 89052-2986
Clark, No. 23.....	Perkins, Richard (D)	408 Glasgow Street, Henderson 89015-5631
Clark, No. 28.....	Chowning, Vonne (D).....	c/o Shamrock Real Estate Service, 2015 Carroll Street, North Las Vegas 89030-6401
Clark, No. 41.....	Parks, David R. (D).....	P. O. Box 71887, Las Vegas 89170-1887
Clark, No. 42.....	Mortenson, John H. (Harry) (D)	3930 El Camino Road, Las Vegas 89103-2221
Douglas, Carson City (part), No. 39	Hettrick, Lynn (R)	1475 Glenwood Drive, Gardnerville 89410-8981
Elko (part), No. 33	Carpenter, John C. (R)	P. O. Box 190, Elko 89803-0190
Esmeralda, Lincoln, Mineral, Nye, No. 36.....	Neighbors, P. M. Roy (D).....	P. O. Box 33, Tonopah 89049-0033
Humboldt, Pershing, Elko (part), Eureka (part), Lander (part), No. 34	Marvel, John W. (R)	P. O. Box 1270, Battle Mountain 89820-1270
Lyon, Storey, Carson City (part), No. 38	Dini, Joseph E., Jr.(D).....	104 N. Mountain View, Yerington 89447-2239
Washoe, No. 24.....	Freeman, Vivian L. (D).....	1665 Carlin Street, Reno 89503-4223
Washoe No. 25.....	Gibbons, Dawn (R).....	2535 Kinney Lane, Reno 89511-6546
Washoe, No. 26.....	Humke, David E. (R)	P. O. Box 70656, Reno 89570-0656
Washoe, No. 27.....	Leslie, Sheila (D).....	825 Humboldt Street, Reno 89509-2009
Washoe, No. 29.....	Angle, Sharron (R).....	1802 Rainbow Ridge Road, Reno 89523-1847
Washoe, No. 30.....	Smith, Debbie (D).....	3270 Wilma Drive, Sparks 89431-1173
Washoe, No. 31.....	Anderson, Bernie (D).....	747 Glen Meadow Drive, Sparks 89434-1536
Washoe, No. 32.....	Gustavson, Don (R)	6380 Ottawa Court, Sun Valley 89433-6632
Churchill, White Pine, Eureka (part), Lander (part), No. 35	de Braga, Marcia (D).....	11050 Fitz Lane, Fallon 89406-9016

ATTACHÉS OF THE ASSEMBLY

Seventy First Session, 2001

Name	Title	City of Residence
Harle Glover	Executive Assistant	Carson City
Patty Williams.....	Assistant Chief Clerk.....	Reno
Lucinda Benjamin.....	History Clerk.....	Schurz
Matthew Baker.....	Journal Clerk.....	Carson City
Diane Keetch.....	Recording Clerk.....	Ritzville, WA
Mary Matheus.....	Document Clerk.....	Carson City
Jason Hataway.....	Media Clerk.....	Carson City
Terry Sullivan.....	Sergeant at Arms.....	Washoe Valley
Marlo Harding.....	Assistant Sergeant at Arms.....	Carson City
Charlene Morehead.....	Assistant Sergeant at Arms.....	Carson City
Megan Strong.....	Assistant Sergeant at Arms.....	Carson City
Gregorio D. Torres.....	Assistant Sergeant at Arms.....	Gardnerville
Lucas Watson.....	Assistant Sergeant at Arms.....	Carson City
Mary G. Garcia.....	Page.....	Minden
Jeanne Douglass.....	Supervisor of Clerical Services.....	Carson City
Nanita Moore.....	Clerical Services Assistant.....	Carson City
Paula Winne.....	Speaker's Executive Assistant.....	Carson City
Kathryn Alden.....	Speaker's Secretary.....	Carson City
Linda Corbett.....	Speaker Pro Tempore's Secretary.....	Sparks
Barbara Houger.....	Majority Leader's Secretary.....	Carson City
Linda Cooper.....	Minority Leader's Secretary.....	Gardnerville
Karen Crawford.....	Leadership Receptionist.....	Carson City
Heather Collins.....	Committee Manager.....	Dayton
Reba Coombs.....	Committee Manager.....	Carson City
Cecile Crofoot.....	Committee Manager.....	Carson City
Kristi Geiser.....	Committee Manager.....	Carson City
Marge Griffin.....	Committee Manager.....	Carson City
Marilyn Jayne.....	Committee Manager.....	Gardnerville
Nykki Kinsley.....	Committee Manager.....	Las Vegas
Kelly Minton.....	Committee Manager.....	Carson City
Betty Phenix.....	Committee Manager.....	Minden
Jackie L. Valley.....	Committee Manager.....	Las Vegas
Andrea Carothers.....	Ways and Means Committee Secretary.....	Torrance, CA
Cindy Clampitt.....	Ways and Means Committee Secretary	Carson City
Lila Clark.....	Ways and Means Committee Secretary	Carson City
Connie Davis.....	Lead Ways and Means Committee Secretary.....	Carson City
Mary Drake.....	Committee Secretary.....	Carson City
Kathryn Ely.....	Committee Secretary.....	Carson City
Kathryn Fosnaugh.....	Ways and Means Committee Secretary	Carson City
Glenda Jacques.....	Committee Secretary.....	Carson City
Sandra Albrecht-Johnson.....	Committee Secretary.....	Reno
Rebekah Langhoff.....	Lead Committee Secretary.....	Minden
Virginia Letts.....	Lead Committee Secretary.....	Dayton
Cheryl Meyers.....	Committee Secretary.....	Gardnerville
Gerlean Mosey.....	Committee Secretary.....	Reno
Linda Lee Nary.....	Committee Secretary.....	Carson City
Darlene Nevin.....	Committee Secretary.....	Carson City

<i>Name</i>	<i>Title</i>	<i>City</i>
Cheryl A. O'Day.....	Committee Secretary	Reno
Deborah Rengler.....	Committee Secretary	Carson City
June Rigsby.....	Committee Secretary	Carson City
Darlene Rubin.....	Committee Secretary	Washoe Valley
Linda Smith.....	Ways and Means Committee Secretary	Dayton
Carol J. Thomsen.....	Ways and Means Committee Secretary	Carson City
Joan Tuntland.....	Committee Secretary	Reno
Linda Utt.....	Committee Secretary	Carson City
Ann Van Nostrand.....	Committee Secretary	Carson City
Eric Anderlohr.....	Assistant Majority Whip Secretary	Portland,OR
Bonnie Aparicio.....	Minority Whip Secretary	Carson City
Mary Bean.....	Personal Secretary	Carson City
Valorie Belknap.....	Personal Secretary	Carson City
Stephany Corral.....	Assistant Majority Whip Secretary	Carson City
A. Louise Darden.....	Personal Secretary	Carson City
Nancy Dickson.....	Personal Secretary	Carson City
Donna Esposito.....	Personal Secretary	Dayton
Jerlyn Figearo.....	Personal Secretary	Carson City
Donna Hancock.....	Personal Secretary	Carson City
Joyce G. Hess.....	Assistant Majority Floor Leader Secretary.....	Virginia City
Millicent Jorgenson.....	Personal Secretary	Carson City
Connie Knight.....	Personal Secretary	Sparks
Jaynese Knight.....	Personal Secretary	Gardnerville
JoAnn Kula.....	Assistant Minority Floor Leader Secretary.....	Las Vegas
Dawn Lee.....	Personal Secretary	Carson City
Yhvana Martin.....	Personal Secretary	Carson City
Carolyn J. Maynick.....	Personal Secretary	Carson City
Jolene Jones Miley.....	Personal Secretary	Carson City
Molly Mills.....	Personal Secretary	Reno
Patty Moody.....	Personal Secretary	Reno
Kathryn Oetting.....	Personal Secretary	Gardnerville
Diane Rea.....	Personal Secretary	Dayton
Sheila Sease.....	Personal Secretary	Carson City
Jasmine Shackley.....	Minority Whip Secretary	Carson City
Janet Stokes.....	Personal Secretary	Carson City
Claudette J. Thompson.....	Personal Secretary	Carson City
Barbara Urbani.....	Personal Secretary	Carson City
Novella Watson-Lee.....	Personal Secretary	Hemet, CA
Loretta White.....	Personal Secretary	Carson City
June Bennett.....	Data Entry Technician.....	Carson City
Julayne McCarly Le Bas.....	Proofreader.....	Washoe Valley
Maxine Milabar.....	Proofreader.....	Reno
Bruce Pfeiffer.....	Copy Room Coordinator	Carson City
Eddie Cordisco, Jr.....	Supervisor of Bill Services	Carson City
Mary Carel.....	Assistant Supervisor of Bill Services.....	Carson City
Jennifer Anzalone.....	Bill Services	Carson City
Kenneth Beaton.....	Bill Services	Carson City
Norm Budden.....	Bill Services	Carson City
John Davis, Jr.....	Bill Services	Carson City
David Dickson.....	Bill Services	Carson City
Joyce E. Ghiselli.....	Bill Services	Carson City
Juanita Heston.....	Bill Services	Carson City

<i>Name</i>	<i>Title</i>	<i>City</i>
Steven Honey	Bill Services	Carson City
Lois LaHair	Bill Services	Dayton
Khristina Lamoreaux.....	Bill Services	Carson City
Ray Mager	Bill Services	Carson City
Bob Maynick.....	Bill Services	Carson City
Reid Meyer	Bill Services	Carson City
Kiyoshi Nishikawa.....	Bill Services	Carson City
Jesse N. Pickett	Bill Services	Carson City
Brandi Sargent	Bill Services	Carson City
Laverne Souza-LaFleur.....	Bill Services	Carson City
Elizabeth Tetz	Bill Services	Carson City
W. Wayne Willson.....	Bill Services	Carson City

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTY-FIRST SESSION

THE FIRST DAY

CARSON CITY (Monday), February 5, 2001

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Dean Heller at 12 noon.

Musical rendition by the Basic High School Madrigal Choir, under the direction of Miss Holly Peterson.

Prayer by the Chaplain, Bishop Robert Campbell of the Church of Jesus Christ of Latter Day Saints, Henderson, Nevada.

Father in Heaven, we come before Thee on this historic occasion, with humility in our hearts for the opportunity we have of living in this great country. This country, which allows us to vote for those who we want to lead us, vote for those who we feel best represent our point of view. Father we ask that thy spirit might dwell, at all times, in the meetings that are held by this Assembly. That each and every member might be touched by Thy spirit, that minds might be clear, that hearts might be softened and compromise might be a way of life. We pray that Thy spirit will be here at all times. In this we do in the name of Thy son, Jesus Christ.

AMEN

Presentation of the Colors by the Color Guard of the Henderson Police Department Honor Guard.

Pledge of allegiance to the Flag.

Special musical rendition by the Basic High School Madrigal Choir, under the direction of Miss Holly Peterson.

Mr. Secretary of State requested Ms. Jacqueline Sneddon to serve as temporary Chief Clerk of the Assembly.

Mr. Secretary of State requested that the Chief Clerk call the roll of the 42 Assemblymen-elect.

Roll called.

Present: Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams.

Excused: Assemblywoman Ohrenscha11

Mr. Secretary of State appointed Assemblymen Giunchigliani, Price, Anderson, Bache, Buckley, Dini, Freeman, Perkins, Beers, Brower, Hettrick and Von Tobel as a temporary Committee on Elections, Procedures, and Ethics.

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 1:01 p.m.

Mr. Secretary of State presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Elections, Procedures, and Ethics has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified members of the Assembly of the 71st Session of the Legislature of the State of Nevada: Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenscha11, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved the adoption of the report.

Motion carried unanimously.

Mr. Secretary of State appointed as a committee Assemblywoman Chowning and Assemblyman Brower to escort Chief Justice A. William Maupin of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Chief Justice Maupin administered the oaths of office to the Assemblymen.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election had been issued.

Roll called.

Present: Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams.

Excused: Assemblywoman Ohrenschall.

Assemblyman Collins moved that Chief Justice Maupin be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker. Assemblywoman Buckley nominated Assemblyman Perkins for Speaker. Assemblyman Dini seconded the motion.

Remarks by Assemblymen Buckley and Dini.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Mr. Secretary of State, I move that Assemblyman Richard D. Perkins be Speaker of the Assembly.

As the 71st Nevada Legislature begins in this new millennium, we face important issues. How do we improve our schools so our children and grandchildren have the same or better opportunities than we did? How do we help all people to have access to health insurance and prescription drugs? How do we ensure that Nevada is a healthy, safe place to live? To find answers to these and the many other issues facing our state, we count on our elected representatives to provide leadership and vision. Rich Perkins is one of those leaders.

My colleague is bright, caring, compassionate, and hard-working. In his five terms in the Nevada Legislature, my colleague from Henderson has sponsored legislation to improve the lives of Nevadans in education, consumer protection, and public safety. He sees ways to help our state and puts his thoughts into action. In politics today, we see many dividers—my colleague is a bridge-builder, between both parties, both houses, and all people.

My colleague's thoughtfulness will serve us well this 71st Session. When people express concern about speakership moving south, my colleague is quick to point out that he will be Speaker of the Nevada Assembly, not the "Clark County Assembly." He believes pitting one part of the state against the other hurts our efforts to improve the whole state.

We are grateful to Speaker Joseph E. Dini, Jr., from Yerington, Nevada, for so many things. His length of service, his work ethic, and his leadership in our state will always be legendary. But unlike many, our Speaker from Yerington also believes in mentoring young leaders and giving them opportunities. He gave my colleague from Henderson the opportunity to become Majority Floor Leader in 1995 and the opportunity to become Speaker. The reason for his

selection is clear to all who know Richard Perkins and have the honor to serve with him. It is for these reasons that I nominate Richard D. Perkins to be Speaker of the Assembly.

ASSEMBLYMAN DINI:

Thank you, Secretary of State Heller. It is my pleasure to second Assemblywoman Buckley's nomination of Richard Perkins of Henderson for the position of Speaker of the 71st Session of the Nevada State Assembly.

Richard is a long-time officer in the Henderson Police Department. Just as he has worked into positions of leadership there, where today he serves as Deputy Chief, so too has he earned positions of leadership here in the Assembly where most recently he served as Majority Floor Leader.

I remember vividly first meeting Richard in 1992 when he was a candidate for the State Assembly. He stopped into the club and we spoke. I was impressed with his enthusiasm and how he carried himself. I was still more impressed with his familiarity with the issues and his desire to tackle them—to make a difference. I believe in first impressions. I saw he was a combination of Jack Jeffrey and Hal Smith, two of the best representatives that I served with from Henderson.

In the years since then I have seen first-hand how Richard became a viable part of my leadership team here in the Assembly. I have seen how he works with his fellow leaders from all parts of the state and from both political persuasions here in this chamber. As importantly, I have watched how he works with his fellow lawmakers and how he builds consensus. In these many contacts Rich has demonstrated a “feel” for leadership that will serve this Assembly well.

A moment ago, I mentioned how Richard became part of this house's leadership team. In seconding him for Speaker, I am pleased to note Richard has assembled a solid leadership team with the ability to do an outstanding job this session.

That is a good thing. There is no shortage of challenges that we will face this session, each and every one of us entrusted with the title of assemblyman or assemblywoman. Our mission is not merely to scratch the surface, but to get to the core of the issue. Doing so will demand our attention and be enhanced by a Speaker who himself has rolled up his sleeves and learned the ropes.

Albert Pike spoke many years ago, and as a word of advice to Richard, I would say, quoting Pike:

“Be faithful to your friends; for true friendship is of a nature not only to survive through all the vicissitudes of life, but to continue through an endless duration. Be faithful to your country, and prefer its dignity and honor to any degree of popularity and honor for yourself. Be faithful to the best interest of mankind.”

Historically, this Assembly has been known as the People's House. Since I was first elected to serve here in 1966 it has been that way. This year the Assembly will indeed be the House of the People.

Rich is a people person. Knowing a little about the challenges ahead of him, I believe his people skills will serve him well, along with his sense of fairness, commitment to hard work and dedication to Nevada. I am as proud of you as I would be if you were my own son.

Thank you, Terri Jo, for sharing him with us in this important assignment before him.

It gives me great pleasure to second the nomination of Richard Perkins for the position of Speaker of the 71st Session of the Nevada Legislature.

Assemblyman Anderson moved that nominations be closed.

Motion carried unanimously.

Mr. Secretary of State declared Assemblyman Perkins to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblyman Goldwater and Assemblyman de Braga as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

Assemblywoman Leslie moved that Secretary of State Heller be given a unanimous vote of thanks for his services to the Assembly.

Motion carried unanimously.

Mr. Speaker appointed Assemblyman Neighbors and Assemblywoman Cegavske as a committee to escort the Secretary of State to the bar of the Assembly.

The appointed committee escorted Secretary of State Heller to the bar of the Assembly.

Remarks by Mr. Speaker.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

MR. SPEAKER:

Speaker Dini, Majority Floor Leader Buckley, Minority Floor Leader Hettrick, members of the Nevada Assembly, legislative staff, my dear family, friends and guests.

As we begin our journey through another session of the Nevada Legislature, I want to congratulate my veteran colleagues for again earning the public's confidence and for again having been bestowed the awesome responsibility of working for the people of Nevada.

I would also like to welcome to "the people's house" three new members—Debbie Smith, John Ocegueda and David Brown. Will you please stand. Today the three of you may be wondering how you got here—but be assured that by the time we adjourn, you'll be wondering how all of the rest of us got here! We welcome you and look forward to working with you. Thank you for your service.

Before we start anew, there is cause for reflection. We are no doubt a diminished House due to the loss of our moral compass, a person who never gave up on helping those who needed it most. Indeed, Jan Evans was a rare public servant—a special kind of legislator who refused to bow to the political pressure of the moment. Instead, her vision and purpose often provided the guidance to get us through some trying times. Let's please take a moment to reflect on and honor our friend, our conscience, Jan Evans. Thank you.

Before I continue I'm going to ask my family to stand, and ask that you extend to them the privilege of the floor. As I introduce them, I would ask that they stand. At my desk I have my mother-in-law, Irene; my mother, Shirley; my wife, Terri; and our oldest daughter, Nicole. In the gallery is my father-in-law, Bob Campbell, who offered us our opening prayer; my sister-in-law, Dawn; my sister, Cheryl; my brother-in-law, Dennis; little Ricki Jo; my nephew, Chad; my father, Ken; my sister, Danielle and her husband, Rhett; my nieces, Crystal and Jessica; and my daughters, Ashley and Stephanie. Please welcome them. I would also like to ask the Henderson Police Department Color Guard to stand again and let us offer our thanks to them once more.

Other than my wife, my parents and my children, few if any had the impact on my life that a man from the small town of Yerington has had. I've had mentors in the police department and people in Henderson whom I have used as role models, but no one has affected my life the way Joe Dini has. I am a better husband, father and friend because I have Joe in my life.

From a political standpoint, I've had the good fortune to have learned at the foot of the master. The political guidance he has given me has been invaluable and I hope that, given the chance, I can impart to you the thoroughness, fairness and compassion of the man who is largely responsible for everything Nevada has achieved in the past 35 years.

It is also befitting that we complete the succession of the speakership under Joe's careful watch. I've probably already made a mistake or two today, but I take comfort in knowing Joe will be there to help. That is exactly what I expect him to do—be there with me every step of the way. Besides, I've always wanted an Italian consigliere. Joe is a living Nevada legend and I ask that you all rise and give unanimous consent to recognize him as Speaker Emeritus of the Nevada Assembly. Joe, thank you for everything you have done for Nevada.

Creating the Speaker Emeritus is merely one indication of a new generation of leadership in

Nevada. For the first time in our state's history, we have a female majority floor leader and an African-American Speaker pro Tempore. Our leadership looks more like Nevada than ever before and, needless to say, I am very proud of this leadership team and the collective potential.

I reach out to our Republican friends on the other side of the aisle and ask that we engage in spirited debate that centers on intellectually honest arguments. It is not just our right, but our duty to question our government in this state and in this country. The people who elected us demand no less. More importantly, the public wants us to challenge each other, not destroy each other. Fortunately, Nevada has been a place where people have agreed to disagree, without allowing differences to forge divisions. But I fear more and more partisanship from both sides is creeping into our legislative process. So I ask you to join me in rejecting it—it does not belong here and it should not prevail.

Additionally, in an effort to rid ourselves of unnecessary partisan bickering, I will ask Minority Floor Leader Hettrick to join in establishing formal meetings of Republican and Democrat leadership that will enable us to better understand one another and to focus our attention on agreement—instead of animosity.

As Speaker of this great institution, I look forward to favorably resolving many challenges that confront us—redistricting, our energy crisis, and in a tight budget year, providing for our senior citizens and for those who are less fortunate.

Let us never ascend to arrogance, but always remain humble public servants. Let us always remember the real people behind each of our decisions. These are real people with real needs. Let us always remember why we are here.

Ensuring that the students in our public education system receive every possible opportunity for success is what I desire most. Everyone knows the shocking statistics regarding the condition of our education system—simply repeating them does no public good. Striving to change those rankings is precisely what I intend to do. I will ask no more of you than I ask of myself when it comes to helping our educators, our administrators and our school children.

As a reminder, I would like to introduce a new legislative standard upon which our work should be judged. A mantra, if you will, to remind us why we're here. You will hear me say it over and over again so we can avoid the worst law there is—the law of mediocrity. Especially when we think of children, we must ask ourselves—did we do the very best we could? Did we do the very best we could for our children?

When we're finished with the people's business in early June, we must answer this overriding question only one way. Yes, we argued; yes we disagreed; yes, we compromised; yes, we sacrificed; and yes, we did the very best we could.

Let's go to work.

Thank you and God bless.

Mr. Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblyman Arberry nominated Assemblyman Williams for Speaker pro Tempore.

Remarks by Assemblyman Arberry.

Assemblyman Parks moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblyman Williams to be Speaker pro Tempore of the Assembly.

Mr. Speaker declared that nominations were in order for Chief Clerk.

Assemblywoman Buckley nominated Ms. Jacqueline Sneddon to be Chief Clerk.

Assemblyman Hettrick moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Jacqueline Sneddon to be Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblymen Giunchigliani, Manendo and Carpenter as a committee to inform the Senate that the Assembly was organized and ready for business.

Mr. Speaker appointed Assemblymen Buckley, Freeman and Marvel as a committee to inform the Governor that the Assembly was organized and ready for business.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:55 p.m.

ASSEMBLY IN SESSION

At 1:56 p.m.

Mr. Speaker presiding.

Quorum present.

A committee from the Senate composed of Senators McGuinness, Rhodes and Weiner appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley reported that her committee had informed the Governor that the Assembly was organized and ready for business.

Assemblywoman Giunchigliani reported that her committee had informed the Senate that the Assembly was organized and ready for business.

Assemblywoman Buckley moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 5, 2001 be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's journal:

ASSOCIATED PRESS: Siobhan McDonough, Brendan Riley, John Wilkerson; BOULDER CITY NEWS: Chuck Baker; CAPITOL NEWS SERVICE: Johnathan L. Wright; CITADEL COMMUNICATIONS: Adriana Diaz; David Marz; COMSTOCK CHRONICLE/CABLE NEWS SERVICE: Travis T. Hipp; COX COMMUNICATIONS: Steve Schorr; DONREY CAPITAL BUREAU: Ed Vogel; Sean Whaley; ELECTRIC NEVADA & ELECTRIC AMERICA: Daniel Joseph, Tiffany Van der Stokker; FERNLEY LEADER/COURIER: Betty Aleck, Laura Tennant; FOX 5: Michael Baldwin; GAMING TODAY: Chuck DiRocco; HIGH DESERT ADVOCATE: Howard Copelan; KKO: Kelly McAllister; KLAS-TV: Eric Sorenson, George Knapp; KLVX-TV and KNPB-TV: Bonnie Maclean, Ethan Salter, Jack Kelly, John Kirk, Michelle Stander, Mike Garafolo, Mitch Fox, Rosemary McCarthy; KOLO-TV: Karl Baker, Bruce Bolf, Brent Boynton, Jean Casarez, Beryl Chong, Jenee Conway, Mark Cronon, Ande Engleman Beth Ford, Timothy Ill, Jeff Jones, Justin Kanno, Jodee Kenney, Darrell McComb, Edward Pearce, Terri Russell, Erin Scheuerman, Henry Wofford; KRN-TV: Hayley Herst, Wade Barnett, Ben Barnholdt, Kausic Bhakta, Victoria Campbell, Jeneene Chatowsky,

Tina Cox, Karen Cuninghame, Jeff Deitch, Bill Frankmore, Matt Guccini, Joe Hart, Sarah Johns, Malayna Kerton; John Killoran; Renee Phillips; Aaron Rothkopf; Eduardo Rubio; Shelby Sheehan; Julie Simon, Mike Taylor, James Walker, Richard Worsley, Debbie Worthen, Jana Wyld, John Zuchelli; KTVN-TV: Josh Brackett, Kerrie Cassani, Sherrie Cerutti, Angeline Chew, John Chrystal, Wendy Damonte, Chad Gasper, Jessie Harris, Kirsten Joyce, Gina Martini, John Mercer, Jobe Pilarim, Tony Shin, Brian Hickey; LAS VEGAS REVIEW-JOURNAL: Amy Bennett, Kevin Cannon, John Edwards, John Gurzinski, Don Ham, Mary Hynes, Jim Laurie, Thomas Mitchell, Jan Moller, Craig Moran, Jane Ann Morrison, Jeff Scheid, Steve Sebelius, John Smith, Gary Thompson, Charles Zobell; LAS VEGAS SUN: Jeff German, Warren Johnston, Erin Neff, Jace Radke, Cy Ryan, Susan Snyder; LINCOLN COUNTY RECORD: Shelly Hartman, Connie Simkins; LOTUS BROADCASTING: Andrew Kolb; LOVELOCK REVIEW-MINER/NEVADA RANCHER: Gwen Carter; MASON VALLEY NEWS: Robert Perea, David Sanford, Keith Trout; NEVADA APPEAL: Geoff Dorman; RENO GAZETTE JOURNAL: Tim Anderson, Andy Barron, Jennifer Crowe, Tonia Cuning, Jeff Delong, Jeff Donaldson, Bill O'Driscoll, Tim Dunn, Cory Farley, Ray Hagar, Janice Hoke, Sevil Hunter, Mark Lundahl, Elizabeth Margerum, Frank Mullen, Marilyn Newton, David Parker, Scott Sady, John Smetana, Steve Smith, Steve Timko, Lisa Tolda, Candice Towell, Susan Voyles; RENO NEWS AND REVIEW: Adrienne Rice, Brian D. Burghart, Carli Cutchin, Deidre Pike, Jimmy Boegle, Kelly Lang, William Puchert; SENIOR SPECTRUM NEWSPAPERS: Chris McMullen; Connie McMullen; SIERRA NEVADA COMMUNITY ACCESS-TV: Don Alexander, Chris Jensen, John Ponzo, Earl Spriggs; SPARKS TRIBUNE: Andrew Barbano; TASPAC NEWS: Donna Andres, Peter Hutchinson; THE HUMBOLDT SUN: Dave Woodson; WE THE PEOPLE: Shayne Del Cohen.

Mr. Speaker announced the following standing committees, the first-named member of each committee being the chairman, the second-named being the vice-chairman:

COMMERCE AND LABOR—

Dini, Buckley, Arberry, Giunchigliani, Goldwater, Leslie, Oceguela, Parks, Perkins, Beers, Gibbons, Hettrick, Humke, Nolan.

CONSTITUTIONAL AMENDMENTS—

Price, Mortenson, McClain, Oceguela, Parks, Berman, Brower, Gustavson.

EDUCATION—

Williams, Parnell, Chowning, Collins, de Braga, Koivisto, Manendo, Smith, Angle, Cegavske, Gustavson, Von Tobel.

ELECTIONS, PROCEDURES, AND ETHICS—

Giunchigliani, Price, Anderson, Bache, Buckley, Dini, Freeman, Perkins, Beers, Brower, Hettrick, Von Tobel.

GOVERNMENT AFFAIRS—

Bache, Lee, Freeman, Mortenson, Neighbors, Parnell, Price, Smith, Williams, Berman, Brown, Gibbons, Humke, Von Tobel.

HEALTH AND HUMAN SERVICES—

Koivisto, McClain, Freeman, Leslie, Manendo, Parnell, Smith, Williams, Angle, Berman, Gibbons, Tiffany.

JUDICIARY—

Anderson, Manendo, Buckley, Claborn, Collins, Koivisto, McClain, Oceguela, Ohrenschall, Angle, Brower, Carpenter, Gustavson, Nolan.

NATURAL RESOURCES, AGRICULTURE, AND MINING—

de Braga, Collins, Bache, Claborn, Lee, Mortenson, Neighbors, Ohrenschall, Brown, Carpenter, Humke, Marvel.

TAXATION—

Goldwater, Neighbors, Anderson, Arberry, Freeman, Mortenson, Parks, Price, Brower, Brown, Marvel, Tiffany.

TRANSPORTATION—

Chowning, Ohrenschall, Claborn, Collins, Lee, McClain, Ocegüera, Smith, Carpenter, Cegavske, Gustavson, Nolan.

WAYS AND MEANS—

Arberry, Giunchigliani, Chowning, de Braga, Dini, Goldwater, Leslie, Parks, Perkins, Beers, Cegavske, Hettrick, Marvel, Tiffany.

MAJORITY FLOOR LEADER—

Barbara E. Buckley.

ASSISTANT MAJORITY FLOOR LEADER—

David R. Parks.

MAJORITY WHIP—

Bernard Anderson.

ASSISTANT MAJORITY WHIP—

Sheila Leslie

ASSISTANT MAJORITY WHIP—

Mark A. Manendo

MINORITY FLOOR LEADER—

Lynn C. Hettrick.

ASSISTANT MINORITY FLOOR LEADER—

Barbara Cegavske.

MINORITY WHIP—

Greg Brower.

MINORITY WHIP—

Kathy A. Von Tobel.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA , February 5, 2001

THE HONORABLE SENATOR WILLIAM J. RAGGIO, THE HONORABLE ASSEMBLYMAN RICHARD D. PERKINS, Nevada Legislature, Legislative Building, Carson City, Nevada 89701

DEAR MAJORITY LEADER RAGGIO AND SPEAKER PERKINS:

Attached herewith is my message to the 71st Session of the Nevada Legislature, as required by Article 5, Section 10, of the *Nevada Constitution*. As you know, I delivered the message earlier to a gathering of your colleagues and other guests on January 22, 2001, in the Assembly Chambers in Carson City.

Allow me to extend my sincere wishes for a productive legislative session. My staff and I look forward to working with all of you.

Respectfully,

KENNY C. GUINN

Assemblywoman Buckley requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 22, 2001 be entered in the Journal.

Mr. Speaker, Madam Lieutenant Governor, members of the Senate and Assembly, honorable Justices of the Supreme Court, distinguished guests, and fellow Nevadans—I would like to say good evening, and to you Colton and Hanna, thank you for coming.

I am proud to say the state of the state is strong. It is strong despite unique and unprecedented changes and challenges. Our economy is healthy and prosperous. More Nevadans are at work than ever before, and our personal income growth is well above the national average. Nevada's welfare rolls have declined by 60 percent in the past six years. Nevadans have gone back to work

in record numbers, earning the state a federal financial award as one of the top ten states in the nation for welfare reform for the second year in a row. Indeed, Nevada has much to be proud of.

For a decade now, we have led the nation in growth. As a result of this tremendous growth, we will be given a third seat to amplify our voice and enhance our position in Congress. We have communities that have been made stronger by diversity and new ideas, but growth also brings its share of challenges. Nevada's school enrollment is increasing at three times the national average. We lead the nation in growth of our senior citizens. Our transportation system must constantly improve to avoid gridlock, and our health care system is strained by ever-increasing demands placed upon it on a day-by-day basis.

Two years ago, I stood before you in this chamber and declared we would have to cut funding for many programs even though the state's revenues were growing. Social services, education, and prisons had steadily consumed our revenues until every other facet of our state suffered and sacrificed to pay for this growth. I knew, without change, we would soon reach a point where the needs of an exploding population would outstrip the growth in revenue. We had to change the way we did business in Nevada, and change we did!

I directed the most comprehensive review of Nevada state government in our history, and we identified numerous ways we could cut costs and become more efficient and responsive in delivering services to our citizens. Through those efforts we have saved millions of dollars, and we did not stop there.

I formed an Internal Audit Division for the Executive Branch to identify potential problems in state government before, rather than after, they occur. This agency has also identified hundreds of thousands of dollars of savings for the state.

We were the first state in the country to privatize our state's worker's compensation program, removing more than a thousand positions from the state payroll and taking off a \$2.2 billion liability from the state's ledger in this great state of Nevada. We will now save over \$3 million more, every year, by self-insuring.

We maintained a hiring freeze for the past two years, streamlining government and leaving more than 1500 positions unfilled or eliminated.

We also reformed our state's group health insurance plan, for thousands of state employees, so that it is once again healthy and solvent.

We have fixed a long-running problem with NOMADS, the state's welfare computer system, which will save us millions of dollars in federal penalties. In fact, the Federal Government has indicated it will return \$3.6 million to the state as early as this legislative session. This could not have been done without the help of you as a legislative body two years ago when we brought the problem before you and you had to face the executive branch and our staff. Thank you very much.

We also removed the barriers to higher education for all our children when we enacted the Millennium Scholarship. Tonight we have six Millennium scholars with us, one from each university and community college in the state. I invite them to stand. They are just 6 of 4,200 high achieving young Nevadans who have taken advantage of this historic opportunity. We wish all of you a successful academic and professional career right here in Nevada, where you belong. There are over 45 Millennium Scholarship winners in the Senate, who could not get a ticket to be in the well of the Assembly, and I want to thank them to for their attendance. The Millennium Scholarship program serves as a reminder of what determination, creativity, and cooperation can produce.

I look out here this evening and see the faces of many friends, hardworking legislators, and true Nevada leaders. We are fortunate to have the steady leadership of Bill Raggio, Joe Dini, Dina Titus, Lynn Hettrick, and Nevada's newest Speaker, Richard Perkins. Certainly, we have disagreed on some issues and differed in our solutions to some of the problems we face here in our state, but we have always agreed on the importance of seeking those solutions together. I welcome your continued cooperation, your friendship, and your advice—sometimes.

I truly appreciate your hard work and tremendous sacrifices. Nevada owes each of you a great debt of gratitude, but sadly, one of our hardest working lawmakers is not with us tonight, our friend and colleague, Assemblywoman Jan Evans. I would like to take a moment to acknowledge her commitment and friendship to so many of you and to me. In this quiet moment, when we think about the future, I am sure we ponder many of the same things Jan did—

providing for our families, educating our children, protecting our homes, and caring for our seniors.

And although the state of Nevada is strong and vibrant today, the challenges ahead will test our resolve and our commitment to work together for tomorrow. Aggressive competition from tribal gaming and the prospect of punitive federal regulations endanger our travel and tourism industry. Far-reaching public land acquisitions and regulations jeopardize other important industries such as mining and agriculture. Skyrocketing energy prices threaten us all.

During this past year, I have made no secret of my belief that Nevada must explore new revenue streams and establish a broader economic base, so we can provide a good education to our children, adequate health care to our families and seniors, and safety for all our citizens. As a result, many speculated that I would be forced to raise taxes. Indeed, the state's expenditure and long-range revenue projections show that, without changes, Nevada will face a tremendous shortfall within eight years.

I believe, however, that, with the potential slowing of the national economy, now is not a time for new taxes, and my budget does not contain a single tax increase. Now is a time for moderation and restraint. I have long believed state government cannot and should not be all things to all people. There are some things, however, that only the state can do—educate our children, care for our seniors, and protect the disadvantaged.

Tonight, I am pleased I do not come to you with a budget full of painful reductions as I did two years ago. Instead, we are in a position to consider new programs, as well as live up to many of our responsibilities to our state employees, university professors, teachers, and school support staff. Tonight we will fulfill the responsibilities that have to be met for the good of all Nevadans—our children, the disabled, and senior citizens. This is our obligation. Our past budgetary discipline and restructuring of our financial resources has afforded us this opportunity—to fund programs that have been too long neglected. Let me share with you my vision.

Since we last met, we have heard a great deal of discussion about our state's commitment to education. Some say we are not doing enough, and I agree. The solution is not as simple as raising taxes, as some have proposed, and earmarking the proceeds strictly for the purposes of education without consideration of other programs in need of revenue.

I was taught by my father, who could not read, that reading is the basis of all education. I learned this painful lesson as I watched him suffer through those simple tasks all of us who can read take for granted. His inability to read affected every aspect of his life, and mine.

As many of you know, twenty-five years ago I was superintendent of Clark County schools. I am proud of many of the programs we implemented. However, I always considered my greatest accomplishment to be the placement of a reading specialist in every elementary school. Before it was popular to talk about getting back to the basics, these reading teachers knew there was nothing more basic or important than the ability to read. We saw tremendous results with the program, and in fact, the reading improvement teachers are still in our schools today.

Tonight, I am going back to the basics just as I did when I was superintendent. I am establishing a new statewide goal—that all Nevada children be able to read by the end of the third grade. To initiate a fast start toward this goal, I am allocating \$10 million for a teacher-training program that focuses on reading techniques which have proven successful in early grades.

Last session, we created four regional centers for teacher training. These centers also focused on reading. This year, I propose to increase funding for these centers by \$4 million, for additional training in reading instruction.

I will also allocate \$20 million to education technology and the purchase of textbooks for our schools. After all, Nevada students cannot be expected to achieve more and work harder when they cannot even take their schoolbooks home. I am also allocating another \$8 million for early childhood education—let's get a good start—and a \$7 million increase for remediation in under-performing schools. Finally, my budget includes another \$20 million to maintain class-size ratios at the first, second, and third grades.

With your help, our children will be better prepared, focused on the basics, and will achieve more. We owe this to our children. We owe this to our future.

This evening, you will find my education agenda focuses on the basics: textbooks, teacher training, and reading. We must go further. We must also address our growing teacher shortage. Tonight, I am pleased to endorse a project that addresses this shortage—the proposed state college in Henderson. This new institution will enable us to train more teachers than ever before. Therefore, this budget includes \$16 million for capital construction, \$1 million in start-up costs, and another \$5.8 million to fund the first year's enrollment of a projected 1000 students. With your support, the state college in Henderson will become a reality, go a long way toward ending the teacher shortage in Nevada, and create an institution of learning that produces Nevada teachers for Nevada children. Building new colleges takes vision, patience, and financial resources.

Make no mistake about it—next to parents and families, teachers are the most important influence in our children's lives. Over the past five years, we have raised the academic bar for our children. In doing so, we have also raised the bar for our teachers. We have demanded accountability, as we should, but we have not given them the tools they need to perform at the level we demand—the training, the technology, and the textbooks.

In Nevada, we have not made a sufficient commitment to teachers for a livable salary that matches the vital role they play in our society. As a result, we are losing an unacceptable number of teachers to other states and professions. So, in addition to the money allocated for more training, new textbooks, and technology, I am asking the Nevada Legislature to provide a cash bonus to all Nevada teachers and school support staff equal to 5 percent of their annual salary. My budget includes a one-time allocation of \$58 million to meet Nevada's commitment to our teachers. For a teacher making \$40,000 a year, this will amount to \$2,000—just a small way of saying “thank you” for having met every challenge we have given them, often without additional resources and, in some cases, even having to pay for supplies out of their own pockets.

These are the planks of my education plan for the coming year: a firm commitment for long overdue resources for our teachers; a basic but bold reading program; and the creation of a new college.

In total, my general fund budget includes an increase of \$98 million for K-12 education and \$134 million for higher education. In addition, we are allocating over \$75 million of our one-time funding to K-12 education. Altogether, this represents a 13 percent increase over last biennium, and the largest allocation for education in our great state's history. As a former teacher, superintendent, and university president—and now as your Governor—my first priority will always be to our children and their education.

There is another group of dedicated public employees who deserve recognition this evening—the loyal employees who work hard to serve the state's citizens and who are often the best guardians of taxpayer dollars—Nevada's state workers. Two years ago, I challenged state employees to find new and innovative ways to save money and make the state more efficient. They responded, and for that, I say thank you.

I would like to ask George Simecek to stand. George is a plumber at University of Nevada, Reno, who has been with the state since 1978. George identified a retrofitting need on the campus, and he recently completed the project—providing the state with a one-time savings of \$310,000 plus saving additional, ongoing maintenance costs. George is not the only employee who has used his knowledge, experience, and dedication to save our state money. There are many more, whose efforts will never be known by the general public. These are good people, whose talents we simply cannot afford to lose.

Over the past decade, state employees have gone without adequate pay increases. The result has been escalating turnover in almost every department. As a result, we have a steady stream of good state workers leaving for more lucrative jobs with cities, counties, and the private sector. We lose their valuable experience and abilities, and then we spend more money recruiting and training their replacements. And the costly cycle continues.

We cannot afford to lose these employees. For example, the dramatic turnaround at the Department of Motor Vehicles was prompted by employees who created new programs, such as Internet registration. Try it, you'll like it! They also worked long hours to improve service and reduce waiting lines to less than an hour.

Tonight I am proposing a responsible cost of living allowance for our state employees, an 8 percent increase over the biennium, 4 percent in the first year and 4 percent in the second year. I

no longer want them to choose between serving the state or protecting their families' financial future. State employment is a privilege, but it should not be a sacrifice.

It is not enough to invest in our employees, however. We must invest in the health and welfare of all our people, all Nevadans.

As your Governor, I believe we must measure success by how we are able to care for the most fragile of our citizens—our children, our elderly, and those who are disabled. We cannot afford to do everything, but there are some things we cannot afford not to do.

Therefore, I am proposing to double the funding that helps physically disabled Nevadans stay in their homes—stay in their homes with their families. In addition, my proposed increases in services to the developmentally disabled will eliminate all waiting lists for community-based services for these citizens.

Furthermore, I am urging the creation of the Office of Disability Resources, which will combine several existing services in one location. The office will be responsible for creating a long-range plan to better provide services to individuals of all ages with disabilities.

Finally, we will use federal grant money to develop policies and infrastructure that will allow the disabled to go to work without risking the loss of Medicaid or Medicare health coverage.

With the fastest growing senior population in the nation, Nevada must plan ahead. Therefore, I am requesting funding to study alternative living support, long-term care, and other programs to address our seniors' needs effectively and efficiently in the future. For those seniors who need our help today, I propose to increase Medicaid waivers by 40 percent to allow seniors to live in their communities and homes rather than hospitals. We need our seniors at home!

I am also asking the Legislature to approve a \$6 million allowance for cervical and breast cancer coverage for uninsured women which we do not have at this time. We will include in this budget \$10 million to eliminate the assets test for the Medicaid Child Health Assurance Program and streamline Medicaid benefits for pregnant women. It is simple, we have been embarrassingly behind in these crucial health services for too long. It is time to change, and change we will.

My budget also includes a substantial increase in funding for Nevada Check-Up, our health insurance program for children of low-income families. Our outreach efforts in the past two years have been extremely successful, just 2 years ago we had less than 2000 young people in our program and now we expect to enroll 24,000 children by the end of the next biennium. In addition, I am establishing a \$5 million fund to help working, uninsured families obtain basic health care coverage, because access to affordable health care is crucial to all Nevada families.

This budget is one that works to support our Nevada families because we must encourage programs that keep our families together and healthy. In many cases, a child is removed from his or her natural family. It is a traumatic experience with far-reaching consequences to the health and welfare of that child. In Nevada, the situation is made even more difficult because the child welfare system is confusing and bogged down in bureaucracy between the state and the counties.

Overall, my budget includes \$86 million to support improvement of our statewide child welfare programs and to provide service at the local level—where it should be. I believe the best service to the child is the service closest to the child, and children who are victims of neglect, abuse, or abandonment must not also be victims of bureaucracy. They deserve our devoted attention, not our divided attention. We will work with the counties and legislative body to transfer this money and these programs to the local level so our children will have the best chance, the chance they need in their young lives.

Finally, with the Legislature's help, I will expand Senior Rx, a program that addresses one of the most compelling needs faced by Nevada's senior citizens—prescription drug coverage.

Two years ago, the Nevada Legislature voted unanimously to provide a subsidized prescription drug insurance plan for the state's neediest seniors. Senior Rx was enacted while others argued about the issue. While Congress bickered, we acted.

I am proud to say that as of this month, we have received 1400 applications for Senior Rx. Some of those who are already enrolled in the program are with us tonight. I would like to ask them to stand. Please join me in giving them a warm welcome.

Some seniors in this program will save hundreds of dollars a month. For others, this program is not about savings—it is about the difference between receiving needed medicine or doing

without. I am proud to say tonight that Senior Rx is working, and we must expand it. It is time to offer these life-saving benefits to more Nevadans in need.

Another challenge that faces Nevada's senior citizens and, in fact, all of us, is the soaring cost of energy. Electric utility restructuring in California is, in the words of Governor Gray Davis, a "colossal and dangerous failure." Electricity rates have risen more than 300 percent, and in some areas, there have been power shortages and blackouts. We must learn from the mistakes in California, so we never repeat their mistakes.

In 1997 and again in 1999, our Legislature approved deregulation for Nevada. Last session, however, the Legislature recognized there were problems on the horizon, and they gave me the authority to delay deregulation. Twice I have looked at the situation, twice considered the consequences, and twice said "no" to implementing deregulation.

Last October, I appointed a 17-member, bipartisan committee to examine the state's energy situation. This group recently issued its recommendations and findings, which clearly indicate there are serious problems with deregulation in Nevada.

Over the next few weeks, I will be reviewing those recommendations and any new proposals from the Legislature. But let me be very clear—I cannot and will not support deregulation until I am assured power supplies are secure and those who would be hardest hit by rate increases are protected.

Even without deregulation, consumer energy bills will continue to rise because of short supply, increased demand, and high prices for natural gas and oil. This will impact all of us to some degree, but for those Nevadans who live on low or fixed incomes, it will be catastrophic.

So tonight, I am proposing a \$5 million fund to help those who will be hit hardest by rising energy costs. This emergency Energy Assistance Fund will create a safety net for low-income Nevadans, so they can afford to pay utility bills without undue hardship.

We have covered a lot of issues tonight—education, health care, and senior services. However, there is one issue that looms over all of them.

I am talking about the single greatest threat to the health and safety of the people of this state—the prospect of Nevada becoming the nation's nuclear waste dumping ground. It is an issue that unites Democrats and Republicans, liberals and conservatives, urban and rural counties, and all of us who care about the future of Nevada. We have fought this battle together, for many years and on many fronts. Yet, the nuclear power industry is as determined as ever to target our state.

Tonight, I am announcing we will match that determination with an unprecedented dedication of funds. For the first time in our long fight against nuclear waste, we will dedicate \$5 million to fight the Department of Energy and those in Congress who are determined to make Nevada the nation's nuclear waste dump.

I will also ask each city and county, as well as the private sector, to contribute money to this vital endeavor. Although much has been done individually throughout our state by citizens and communities, I believe we will only succeed by uniting our efforts. We must make that united front.

We can no longer be dependent upon federal dollars—dollars that can be taken away from us, jerked away from us, when we do not play by the nuclear industry's rules. With this \$5 million, we will launch a media campaign to rally our neighboring states. The transportation of nuclear waste is a danger to everyone, and we must have those other states join us in this great fight for our survival. We will continue to pursue all legal avenues. We will expose the unprincipled tactics used by the industry in their attempt to force us to accept this deadly waste.

We will join with our neighbor state, Utah, in a coordinated stand against nuclear waste transportation. I have asked Utah's governor, Mike Leavitt, to join me in fighting to leave nuclear waste where it was created, not ship it to us. He agreed, and he has already included more than one million dollars in his budget to join us in this ongoing battle. We will leave no fight abandoned, and we will prevail.

As we all know, the nation has just emerged from an unforgettable campaign season that represented both the best and the worst of politics. One lesson we have learned is that we must work together, in a bipartisan spirit, to accomplish the public's business and to maintain the public's trust.

I do not agree with those who contend that we are a nation and a state that stands divided. While we disagree on some of the solutions to the many challenges we face, we certainly agree on what those challenges are and how important it is that we find solutions together.

We have a vibrant and beautiful state that in many ways is the envy of our neighbors. We enjoy an independent lifestyle, moderate taxes, a bustling business sector, abundant wide-open spaces, and opportunities limited only by the depth of our ingenuity. As your Governor, nothing is more important to me than protecting our way of life, expanding our opportunities, and meeting our obligations.

After two years, Dema and I remain honored that I was elected to this office. I am proud to be your Governor, and Dema is proud to be called the First Lady.

In 137 years, Nevada has changed a great deal. However, I marvel at how much the state has stayed the same, and how much our new citizens, who come to us from every state in the nation, are much like Nevadans of old.

One of our state's most accomplished writers, Robert Laxalt, compared the spirit of Nevadans to the state flower, the sagebrush, when he said: "They are hardy and resilient, stubborn and independent, restrained by environment, and yet able to grow free." So tonight we come to you with a firm resolve to protect Nevada's needs; a resolve to create an historic fund to fight deadly nuclear waste; a resolve to achieve financial stability in an unpredictable economy without new taxes; a resolve to pay our state employees a livable wage; a resolve to protect our citizens from escalating energy costs; a resolve to provide adequate health care and peace of mind to our Nevada seniors; and a resolve to put more money in education for students and teachers than ever before in this state's history. I am confident that these great goals will be reached together as one people, step by step, always moving forward and always gaining ground.

I want to thank you and say good evening to you and have a safe trip home.

UNITED STATES SENATE
WASHINGTON, D.C. 20510-2803

January 23, 2001

THE HONORABLE RICHARD D. PERKINS, *Speaker*, State of Nevada Assembly, Legislative Building,

401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER PERKINS:

I am writing to request the privilege of speaking before both houses of the Nevada State Legislature at 11:15 a.m. on Friday, February 9, 2001.

Mary Conelly, my State Director, and June Schmidt, my Deputy Regional Manager for Northern Nevada, will be coordinating the details of my visit. They can be reached at 775-686-5750.

Thank you for your gracious consideration.

Sincerely,
HARRY REID
Assistant Democratic Leader

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

January 17, 2001

SPEAKER RICHARD D. PERKINS, Nevada State Assembly, 401 South Carson Street, Carson City Nevada 89701-4747

DEAR RICHARD:

It would be my honor and pleasure to address a joint session of the Nevada Legislature at 5:15 p.m. on Wednesday, February 21, to deliver a formal assessment of our Congressional agenda and its impact on our state.

As you know, there are a number of issues critical to the well being of our state and our country that will be addressed in the months to come. It is vital that local, state and federal representatives work together to achieve our goals.

Thank you for this important opportunity. I look forward to seeing you and many of my former colleagues in Carson City.

Sincerely,
JIM GIBBONS
Member of Congress

SUPREME COURT OF NEVADA
A. WILLIAM MAUPIN, CHIEF JUSTICE
201 SOUTH CARSON STREET

CARSON CITY, NEVADA, January 29, 2001

RICHARD PERKINS, SPEAKER OF THE ASSEMBLY, LEGISLATIVE BUILDING, 401 S. Carson,
Carson City, NV 89701

RE: State of the Judiciary Address
Thursday, February 22, 2001
2001 Legislative Session

DEAR MR. SPEAKER:

I, Justice A. William Maupin, Chief Justice of the Nevada Supreme Court, hereby request to address the Senate and Assembly of the State of Nevada. It is my understanding that both houses will be available for this purpose on Thursday, February 22, 2001, at 5:00 p.m., in the Assembly Chambers of the Legislative Building. If a conflict arises with this time and date, please contact my office.

The Supreme Court's reception for the Legislature will be held immediately following the Judiciary Address.

Thank you.

Sincerely,
A. WILLIAM MAUPIN
Chief Justice
Nevada Supreme Court

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 23, 2001

MS. JACQUELINE SNEDDON, *Chief Clerk Of The Assembly*, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR MS. SNEDDON:

In compliance with the laws of the State of Nevada and in response to your letter, returned herewith are Assembly Joint Resolutions 4, 13, 22 and 26 of the 70th session for consideration by the 2001 Nevada Legislature.

Also returned to you is Assembly Joint Resolution 5 of the 69th session of the Nevada Legislature for consideration by 2001 Legislature.

Respectfully,
DEAN HELLER
Secretary of State

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 23, 2001

MS. JACQUELINE SNEDDON, *Chief Clerk Of The Assembly*, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR MS. SNEDDON:

In compliance with the laws of the State of Nevada and in response to your letter, returned herewith is vetoed Assembly Bill 332 from the 70th Session.

Respectfully,
DEAN HELLER
Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that vetoed Assembly Bill No. 332 of the 70th Session be made a Special Order of Business for Wednesday, February 7, 2001 at 11:15 a.m.

Motion carried.

COMMUNICATIONS

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

TO THE HONORABLE, 2001 LEGISLATURE OF THE STATE OF NEVADA, CARSON CITY,
LADIES AND GENTLEMAN OF THE ASSEMBLY:

Pursuant to the provisions of sections 2 and 3 of article XIX of the Constitution of the State of Nevada, and the statutes enacted under the authority thereof, I have the honor to present you with this letter that certain Initiative Petition entitled: "NEVADA TAX FAIRNESS AND QUALITY SCHOOL FUNDING ACCOUNTABILITY ACT. An Act relating to Taxation; declaring intention of the People of the State of Nevada concerning the funding of public elementary and secondary education in Nevada; imposing a tax on the income of business conducted for profit and doing business in Nevada; providing for the administration and collection of the tax and the distribution of the money thereby collected; providing a penalty; making an appropriation; and providing other matters properly relating thereto."

The number of registered voters verified was 63,795. The number of signatures required was 44,009. In addition, over 10 percent of the signatures required in the requisite number of counties were verified.

The petition was filed within the constitutional and statutory period of time previous to the convening of the 2001 Session of the Nevada Legislature, for presentation thereto as required by the Constitution and applicable statutes enacted under the authority thereof.

The copy transmitted to you on this date is a symbolic copy. The original petition is contained in 26 boxes and will be retained on file in the Secretary of State's office and is accordingly public record.

Respectfully,
DEAN HELLER
Secretary of State

NSEA Petition
"Nevada Tax Fairness and Quality Schools Funding Accountability Act"
Petition Submitted 8/30/00
Results

Counties	Total Voter Turnout	10% of Voter Turnout*	Raw Count Results (due 5 p.m. 9/6/00)	Verification Results (due 5 p.m. 9/21/00)
Carson City	16,836	1,684	2,784	335/512=.6542x2784=1821.5= <u>1,822</u>
Churchill	7,285	729	1,220	382/540=.7074x1220= <u>863</u>
Clark	257,601	25,760	56,975	1987/2849=.6974x56975= <u>39,737</u>
Douglas	14,527	1,453	2,167	412/539=.76438x2167=1,656.4= <u>1,657</u>
Elko	10,151	1,015	1,634	353/500=.706x1634=1153.6= <u>1,154</u>
Esmeralda	550	55	70	<u>50</u>

Eureka	679	68	104	94
Humboldt	4,277	428	812	573
Lander	2,077	208	342	290
Lincoln	2,045	205	456	396
Lyon	9,409	941	1,632	$478/707=.6761 \times 1632=1103.3=1,104$
Mineral	2,190	219	393	322
Nye	9,564	956	1,756	1,425
Pershing	1,571	157	240	204
Storey	1,718	172	343	259
Washoe	96,205	9,621	15,835	$673/792=.8497 \times 15835=1345.15=13455.75=13,456$
White Pine	3,357	336	421	389
Totals	440,042	44,009	87,184	63,795

***number of signatures required in 13 of 17 counties and statewide**

CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

February 5, 2001

DEAR SPEAKER PERKINS AND MEMBERS OF THE ASSEMBLY:

It gives me great pleasure to join with the citizens of Carson City to extend to you and all of the members of the Nevada State Legislature our official greetings and warm welcome as we prepare for the start of the 2001 Legislative Session.

Our community, like so many areas of Nevada, is rich in history and famous for its colorful past. However, Carson City is unique. No other community in our state can boast the prestigious title of "Capital City." This is a designation of which we are very proud. Whether you are a first time visitor or a veteran who has first-hand knowledge of Carson City's distinctive qualities, we hope our "down home, Nevada-style" hospitality will amaze and delight you.

We would like to invite you to attend a "welcome" reception on February 6, 2001, between 5:00-6:30 p.m. to be held at City Hall, 201 North Carson Street. I want to assure you we are planning a relatively low key and casual event. Our objectives are to say hello and welcome you to Carson City, provide an opportunity to introduce you to other elected officials and city staff and provide several displays which show our pride in a number of our recent projects. We are easy to find as we are located next to and just north of the Capitol and its silver dome which can be seen for miles, representative of government for the citizens of the Great State of Nevada.

Again, it is our pleasure to have you in our community, and we look forward to seeing you on February 6TH. If there is any way we may be of assistance to you, please do not hesitate to call on me or any member of our city's staff. Best wishes for a successful session and thank you for allowing us to be your host these next four months.

Sincerely,
RAY MASAYKO
Mayor

PRESENTATION OF PETITIONS

Initiative Petition No. 1—An Act relating to taxation; declaring the intention of the People of the State of Nevada concerning the funding of public elementary and secondary education in Nevada; imposing a tax on the income of businesses conducted for profit and doing business in Nevada; providing for the administration and collection of the tax and the distribution

of the money thereby collected; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the petition be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Goldwater:

Assembly Joint Resolution No. 4 of the 70th Session—Proposing to amend the Constitution of the State of Nevada to repeal the constitutional rule against perpetuities.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 4 of article 15 of the Constitution of the State of Nevada is hereby repealed.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 13 of the 70th Session—Proposing to amend the Constitution of the State of Nevada to revise the term of office of a justice of the supreme court or judge of a district court who is appointed to fill a vacancy.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 20 of article 6 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the supreme court or among the district judges, the governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the commission on judicial selection.

[2.—The] *Except as otherwise provided in subsection 2, the term of office of any justice or judge so appointed expires on the first Monday of January following the ~~next~~ first general election ~~that is held at least 12 calendar months after the date on which the appointment was made.~~ At that general election, a justice or judge must be elected to fill the remainder of the term.*

2. *If the date on which the appointment was made is within the 12 calendar months immediately preceding the expiration of the term of the vacated office, the term of office of the justice or judge appointed pursuant to subsection 1 is the remainder of the unexpired term of office.*

3. Each nomination for the supreme court shall be made by the permanent commission, composed of:

- (a) The chief justice or an associate justice designated by him;
- (b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and
- (c) Three persons, not members of the legal profession, appointed by the governor.

4. Each nomination for the district court shall be made by a temporary commission composed of:

- (a) The permanent commission;
- (b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and
- (c) A resident of such judicial district, not a member of the legal profession, appointed by the governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission shall be appointed when a vacancy occurs, and their terms shall expire when the nominations for such vacancy have been transmitted to the governor.

7. An appointing authority shall not appoint to the permanent commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

8. After the expiration of 30 days from the date on which the commission on judicial selection has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, such commission shall serve as the permanent commission established by subsection 3 of this section.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 22 of the 70th Session—Proposing to amend the Constitution of the State of Nevada to create an intermediate appellate court and revise the term of a person appointed to fill a vacancy in an office for supreme court justice, court of appeals judge or district judge.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 6 and sections 1, 4, 7, 8, 11, 15, 20 and 21 of article 6 of the Constitution of the State of Nevada be amended to read respectively as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the legislature may provide by law. If the number of judges is so increased, the supreme court shall provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this state at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial judges must be elected by the qualified electors of this state at the first general election following the enactment of this section. The initial terms of the judges must be staggered so that at least one judge serves for an initial term of 2 years, at least one for 4 years and at least one for 6 years. The initial judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this state at the first general election following the increase for a term beginning on the first Monday of January next after the election. The legislature shall provide for an initial term of 6 or fewer years for each additional judge so that one-third of the total number of judges, as nearly as may be, is elected every 2 years. If the number of judges is increased by more than one, the additional judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill.

3. *The chief justice of the supreme court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years and may succeed himself. The chief judge may resign his position as chief judge without resigning from the court of appeals.*

4. *The supreme court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.*

Section 1. The Judicial power of this State ~~{shall be}~~ is vested in a court system, comprising a Supreme Court, *a Court of Appeals*, District Courts ~~{}~~ and Justices of the Peace. The Legislature may also establish, as part of the system, Courts for municipal purposes only in incorporated cities and towns.

Sec. 4. 1. The supreme court ~~{shall}~~ *and the court of appeals* have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. *The legislature shall fix the jurisdiction of the court of appeals and, where appropriate, provide for the review by the supreme court of appeals decided by the court of appeals.* The supreme court ~~{shall}~~ *and the court of appeals* also have power to issue writs of mandamus, certiorari, prohibition, quo warranto ~~{}~~ and habeas corpus and also all writs necessary or proper to the complete exercise of ~~{its appellate}~~ *their* jurisdiction. Each ~~{of the justices shall have power to}~~ *justice of the supreme court and judge of the court of appeals may* issue writs of habeas corpus to any part of the state, upon petition by, or on behalf of, any person held in actual custody ~~{}~~ *in this state* and may make such writs returnable ~~{, before himself}~~ *before the issuing justice or judge* or the ~~{supreme court}~~ *court of which the justice or judge is a member*, or before any district court in ~~{the}~~ *this* state or ~~{before}~~ any judge of ~~{said courts}~~ *a district court*.

2. In case of the disability or disqualification, for any cause, of ~~{the chief justice or one of the associate justices}~~ *a justice* of the supreme court, ~~{for any two of them}~~ the governor ~~{is authorized and empowered to designate any}~~ *may designate a judge of the court of appeals or a district judge* ~~{for judges}~~ to sit in the place ~~{for places of such}~~ of the disqualified or disabled justice . ~~{for justices, and said judge or judges so designated shall receive their}~~ *The judge designated by the governor is entitled to receive his* actual expense of travel and otherwise while sitting in the supreme court.

3. *In case of the disability or disqualification of a judge of the court of appeals, for any cause, the governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge that the governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.*

Sec. 7. The times of holding the Supreme Court , *the Court of Appeals* and District Courts ~~{shall}~~ *must* be as fixed by law. The terms of the Supreme Court ~~{shall}~~ *must* be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in ~~{the}~~ *this* state. *The terms of the Court of Appeals must be held at the place provided by law.* The terms of the District Courts ~~{shall}~~ *must* be held at the County seats of their respective counties unless the Legislature otherwise provides by law.

Sec. 8. 1. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State ~~{}~~ *of Nevada* and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided ~~{}~~ or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of Justices of the Peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases in which appeals may be taken from Justices and other courts. The Supreme Court, *the Court of Appeals*, the District Courts ~~{}~~ and such other Courts ~~{}~~ as the Legislature shall designate ~~{, shall be}~~ *are* Courts of Record.

Sec. 11. The justices of the supreme court , *the judges of the court of appeals* and the district judges ~~{shall be}~~ *are* ineligible to any office, other than a judicial office, during the term for which they ~~{shall}~~ have been elected or appointed; and all elections or appointments of any such judges by the people, legislature ~~{}~~ or otherwise ~~{}~~ during said period ~~{}~~ to any office other than judicial ~~{, shall be}~~ *are* void.

~~{Sec.}~~ Sec. 15. The Justices of the Supreme Court , *the Judges of the Court of Appeals and the District Judges* ~~{shall}~~ *are each entitled to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which* ~~{shall}~~ *must not be increased or diminished during the term for which they* ~~{shall}~~ *have been elected, unless a Vacancy occurs, in which case the successor of the former incumbent* ~~{shall}~~ *is entitled to receive only such salary as may be provided by law at the time of his election or appointment; and provision* ~~{shall}~~ *must be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.*

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the supreme court , *the court of appeals* or among the district judges, the governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the commission on judicial selection.

~~{2. The}~~ *Except as otherwise provided in subsection 2, the term of office of any justice or judge so appointed expires on the first Monday of January following the* ~~{next}~~ *first general election* ~~{ }~~ *that is held at least 12 calendar months after the date on which the appointment was made. At that general election, a justice or judge must be elected to fill the remainder of the term.*

2. *If the date on which the appointment was made is within the 12 calendar months immediately preceding the expiration of the term of the vacated office, the term of office of the justice or judge appointed pursuant to subsection 1 is the remainder of the unexpired term of office.*

3. Each nomination for the supreme court ~~{shall}~~ *or the court of appeals must be made by the permanent commission, composed of:*

(a) The chief justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

4. Each nomination for the district court ~~{shall}~~ *must be made by a temporary commission composed of:*

(a) The permanent commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or , if it fails to do so , the *supreme* court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~{shall}~~ *must be appointed when a vacancy occurs, and their terms* ~~{shall}~~ *expire when the nominations for such vacancy have been transmitted to the governor.*

7. An appointing authority shall not appoint to the permanent commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

8. After the expiration of 30 days from the date on which the commission on judicial selection has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, such commission shall serve as the permanent commission established by subsection 3 of this section.]~~

Sec. 21. 1. A justice of the supreme court, *a judge of the court of appeals*, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the commission on judicial discipline. Pursuant to rules governing appeals adopted by the supreme court, a justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or , if it fails to do so , the *supreme* court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the commission may impose;

(b) The grounds for censure and other disciplinary action that the commission may impose, including, but not limited to, violations of the provisions of the code of judicial conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The supreme court shall adopt a code of judicial conduct.

7. The commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the commission by any person or on the motion of the commission. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter ~~shall~~ *must* be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

10. If a proceeding is brought against a justice of the supreme court, no justice of the supreme court may sit on the commission for that proceeding. *If a proceeding is brought against*

a judge of the court of appeals, no judge of the court of appeals may sit on the commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

11. he commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

And be it further

RESOLVED, That section 3 of article 7 of the Constitution of the State of Nevada be amended to read as follows:

~~{Sec.}~~ Sec. 3. For any reasonable cause to be entered on the journals of each House ~~{}~~ which may ~~{}~~ or may not be sufficient grounds for impeachment, the ~~{Chief Justice and Associate}~~ Justices of the Supreme Court, the *Judges of the Court of Appeals* and the Judges of the District Courts ~~{shall}~~ must be removed from Office on the vote of two thirds of the Members elected to each branch of the Legislature, and the Justice or Judge complained of ~~{}~~ shall must be served with a copy of the complaint against him ~~{, and shall}~~ and have an opportunity of being heard in person or by counsel in his defense; ~~{}~~ Provided, that no member of either branch of the Legislature ~~{shall be}~~ is eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That section 8 of article 15 of the Constitution of the State of Nevada be amended to read as follows:

~~{Sec.}~~ Sec. 8. The Legislature shall provide for the speedy publication of all Statute laws of a general nature, and such decisions of the Supreme Court ~~{}~~ and the *Court of Appeals*, as it may deem expedient; and all laws and judicial decisions ~~{shall}~~ must be free for publication by any person; Provided, that no judgment of the Supreme Court shall take effect and be operative until the Opinion of the Court in such case ~~{shall be}~~ is filed with the Clerk of said Court.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By Assemblywoman Giunchigliani; Senator O'Connell:

Assembly Joint Resolution No. 26 of the 70th Session—Proposing to amend the Constitution of the State of Nevada to exempt state contracts for the improvement, acquisition and construction of facilities for schools from the limit on general borrowing by the state.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 3. 1. The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of

defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

2. The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for ~~the~~ :

(a) *The protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof* ~~};~~ ; and

(b) *The improvement, acquisition and construction of facilities for public elementary and secondary schools,*

however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise. The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By Assemblymen Price, Giunchigliani, Carpenter, Goldwater, Lambert, Sandoval, Manendo, Arberry, Mortenson, Lee, Segerblom, Evans, Freeman, Bache, Krenzer, Chowning, Nolan, Koivisto, Anderson, Buckley, Ohrenschall, Amodei, Close, Herrera, Parks, Cegavske, Williams, Berman, de Braga, Neighbors, Tiffany, Ernaut, Dini.

Assembly Joint Resolution No. 5 of the 69th Session, as amended by the 70th Session—Proposing to amend the Nevada constitution to provide for limited annual legislative sessions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and sections 2 and 33 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. 29A. *The Legislature shall adjourn sine die each:*

1. *Regular session in an:*

(a) *Odd-numbered year not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.*

(b) *Even-numbered year not later than midnight Pacific standard time 45 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 45th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.*

2. *Special session not later than midnight Pacific standard time 20 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 20th calendar day is void.*

Sec. 2. 1. ~~The~~ Except as otherwise provided in subsection 2, the sessions of the Legislature shall be ~~biennial,~~ annual, and shall commence on the ~~1st Monday of February~~ following the election of members of the Assembly, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

2. ~~The Legislature shall adjourn sine die each regular session not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.} first Monday of:~~

- (a) ~~February in odd-numbered years; and~~
- (b) ~~March in even-numbered years.~~

2. The Governor, by proclamation:

(a) May convene the Legislature for a special session not to exceed 20 calendar days in accordance with section 9 of article 5 of this constitution.

(b) Shall convene the Legislature for a special session not to exceed 20 calendar days not later than 45 calendar days after receipt of a petition by two-thirds of the members elected to each House calling for a special session and setting forth the topics for consideration during the special session. If the Legislature is convened for a special session pursuant to this paragraph, the Governor may add to the list of topics to be considered by the Legislature during that special session.

3. The Governor shall submit :

(a) In odd-numbered years, the proposed executive budget ; and

(b) In even-numbered years, any proposed appropriations or proposed revisions to the executive budget,

to the Legislature not later than ~~{14}~~ 30 calendar days before the commencement of each regular session.

~~{See;} Sec. 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for {not to exceed 60 days} each calendar day of service during any regular session of the legislature and {not to exceed 20 days} during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.~~

And be it further

RESOLVED, That section 9 of article 5 of the constitution of the State of Nevada be amended to read as follows:

~~{See;} Sec. 9. The Governor may on extraordinary occasions, convene the Legislature by Proclamation for a special session not to exceed 20 calendar days and shall state to both houses when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.~~

And be it further

RESOLVED, That section 2 of article 19 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, the people reserve to themselves the power to propose, by initiative petition, statutes , ~~{and}~~ amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than ~~{January 1 of the year preceding the year in which a regular session of the~~

legislature is held.] 1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session. After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature rejects such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the legislature to which an initiative petition proposing an amendment to a statute is presented which the legislature rejects or upon which it takes no action, the legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the secretary of state in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the legislature.

4. If the initiative petition proposes an amendment to the constitution, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the secretary of state not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this constitution upon completion of the canvass of votes by the supreme court.

5. If two or more measures which affect the same section of a statute or of the constitution are finally approved pursuant to this section, or an amendment to the constitution is finally so

approved and an amendment proposed by the legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this section, another amendment is finally approved pursuant to this section, or an amendment proposed by the legislature is ratified, which affects the same section of the constitution but is compatible with the amendment given first approval, the secretary of state shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the secretary of state shall not submit the amendment given first approval to the voters again. And be it further

RESOLVED, That the explanation prepared pursuant to NRS 218.443 for this constitutional amendment must include a statement that, if the qualified electors of this state approve the constitutional amendment proposed by this resolution, legislators would then be entitled to receive, during each regular, annual session and each special session, compensation for each calendar day of service. And be it further

RESOLVED, That section 12 of article 17 of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec: 12. Commencement date of first three legislative sessions; regular sessions of legislature to be held biennially. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 71st session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as amended by the 70th session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 71st session of the Legislature:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The

report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two conference committees on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full ~~upon~~ in the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full ~~upon~~ in the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more legislators elected to one House may, at the direction of the legislator who brings the bill or resolution forward for introduction, set forth the names of one or more legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. The number of primary joint sponsors must not exceed five per bill or resolution. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections, Procedures, and Ethics before submission to the Legislative Counsel.

VETOES

Rule No. 8. Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read in the Senate by the Secretary of the Senate and in the Assembly by the Chief Clerk of the Assembly, without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by *motion based on mutual consent of the houses or by concurrent resolution*. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. ~~[Routine Expenses or Concurrent Resolution.]~~ Manner of authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

(b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and

(d) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner he deems reasonable to ensure access to the record in the foreseeable future.

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures and Approval of Research Requests.

1. The Committee on Government Affairs of the Senate and the Committee on Elections, Procedures, and Ethics of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. *These committees are hereby designated as the “redistricting committees” for the purposes of this rule and Joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4, 13.5 and 13.6.*

2. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these redistricting committees.

Rule No. 13.1. *Equality of Representation.*

1. *In order to meet constitutional guidelines for deviations in population among state legislative districts, no plan, or proposed amendment thereto, will be considered that results in an overall range of deviation in excess of 10 percent, or a relative deviation in excess of plus or minus 5 percent from the ideal district population.*

2. *The population of each of the Nevada congressional districts must be as nearly equal as is practicable. Any population deviation among the congressional districts from the ideal district population must be necessary to achieve some legitimate state objective. Legitimate state objectives, as judicially determined, include making districts compact, respecting municipal boundaries, preserving the cores of prior districts and avoiding contests between incumbent representatives. In order to meet constitutional guidelines for congressional districts, no plan, or proposed amendment thereto, will be considered that results in an overall range of deviation in excess of 1 percent, or a relative deviation in excess of plus or minus one-half percent from the ideal district population.*

3. *Equality of population in accordance with the standard for state legislative districts is the goal of redistricting for the State Board of Education and the Board of Regents.*

Rule No. 13.2. *Population Database.*

1. *The total state population, and the population of defined subunits thereof, as determined by the 2000 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.*

2. *Such 2000 census data as validated by the staff of the Legislative Counsel Bureau must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.*

Rule No. 13.3. *Districts.*

All district boundaries created by a redistricting plan must follow the census geography.

Rule No. 13.4. *Procedures of the Redistricting Committees.*

1. *A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all the state legislative districts, congressional districts, districts for the Board of Regents or districts for the State Board of Education for consideration by the redistricting committees.*

2. *Bill draft requests, including bills in skeletal form, setting forth specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents or districts for the State Board of Education, and amendments affecting a majority of the state legislative districts, may only be requested by the chairmen of the redistricting committees.*

3. *The chairmen of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a bill draft setting forth the specific boundaries of the congressional districts, one request each for a bill draft setting forth the specific boundaries of the districts for the Board of Regents and one request each for a bill draft setting forth the specific boundaries of the districts of the State Board of Education. At the direction of the chairman of the redistricting committee, the bill draft requests setting forth the specific boundaries of the state legislative districts, the congressional districts, districts for the Board of Regents and districts for the State Board of Education may be combined in any manner.*

Rule No. 13.5. *Compliance with the Voting Rights Act.*

1. *The redistricting committees will not consider a plan that discernibly violates section 2 of the Voting Rights Act, codified as 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or*

abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. The redistricting committees will not consider a plan that is discernibly racially gerrymandered. Racial gerrymandering exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The Legislature subordinates traditional districting principles to racial considerations.

For the purposes of this subsection, "traditional districting principles" are those traditional redistricting principles that have been judicially recognized and include compactness of districts, contiguity of districts, preservation of political subdivisions, preservation of communities of interest, preservation of cores of prior districts, protection of incumbents and compliance with section 2 of the Voting Rights Act, 42 U.S.C. § 1973 (2).

3. For the purpose of analyzing the 2000 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the United States Census Bureau as part of the federal decennial census.

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

(a) Public participation in all aspects of the reapportionment and redistricting activities; and

(b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this rule and Joint Standing Rules Nos. 13, 13.1, 13.2, 13.3, 13.4 and 13.5.

4. Each of the redistricting committees, either jointly or separately, shall hold at least one hearing in the southern portion of this state and at least one hearing in a rural portion of this state to allow residents throughout the state an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2000 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman; and

(b) Four requests from each Senator,

for the drafting of a bill ~~[-]~~ or resolution.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 22nd calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each house ~~[-]~~ for the drafting of a bill. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective houses, within the limit provided by this subsection.

The lists may be revised any time before the 22nd day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a legislator or organization must indicate the legislator or organization at whose request the measure was drafted.

7. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills ~~and joint resolutions~~ requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills ~~and joint resolutions~~ requested by or on behalf of a standing committee must be introduced by that committee.

8. ~~Simple and concurrent resolutions~~ *Resolutions* requested by or on behalf of a standing committee may be introduced by an individual member.

9. If two or more measures are being considered in the same house which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

10. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill may only be introduced on or before:

- (1) The 10th calendar day following delivery of the introductory copy of the bill; or
- (2) The last day for introduction of the bill as required by paragraph (d),

whichever is earlier.

(b) If a bill requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill. The revised bill may only be introduced on or before:

- (1) The 15th calendar day following delivery of the original introductory copy of the bill; or
- (2) The last day for introduction of the bill as required by paragraph (d),

whichever is earlier.

(c) If the bill requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill. A bill revised pursuant to this subsection may only be introduced on or before:

- (1) The 20th calendar day following delivery of the original introductory copy of the bill; or
- (2) The last day for introduction of the bill as required by paragraph (d),

whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill that was requested by:

- (1) A legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill the final date on which the bill may be introduced.

3. If the final date on which the bill may be introduced falls upon a day on which the House in which the bill is to be introduced is not in session, the bill may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses; Final Date for Requesting Drafting of Reports for Conference Committees.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill is referred in its House of origin may only take action on the bill on or before the ~~{68th}~~ 71st calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the ~~{Fiscal Analysis Division has determined}~~ bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6 . ~~{that the bill is exempt.}~~

2. Final action on a bill may only be taken by the House of origin on or before the ~~{78th}~~ 82nd calendar day of the legislative session.

3. The final standing committee to which a bill is referred in the second House may only take action on the bill on or before the ~~{103rd}~~ 106th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the ~~{Fiscal Analysis Division has determined}~~ bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6 . ~~{that the bill is exempt.}~~

4. Final action on a bill may only be taken by the second House on or before the ~~{110th}~~ 113th calendar day of the legislative session.

~~{5. Requests for the drafting of reports for Conference Committees must be submitted to the Legislative Counsel on or before the 118th calendar day of the legislative session.}~~

No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill ~~{-}~~ or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill ~~{-}~~ or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this rule. If the request was made on behalf of another legislator or a standing committee, the list must also include the name of the legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill *or resolution* requested pursuant to this rule the phrase “EMERGENCY REQUEST OF” and state the title of the person who requested the bill ~~{-}~~ *or resolution*.

Rule No. 14.5. Waivers.

1. At the request of a legislator or a standing *or select* committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a ~~{standing}~~ committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the legislator or ~~{standing}~~ committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill ~~{-}~~ *or resolution*.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill *or resolution* for which a waiver is granted pursuant to this rule unless such information as is required to draft the bill *or resolution* is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill *or resolution* must be included as a part of the history of the bill *or resolution* after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill ~~{-}~~ *or resolution*.

6. No notice of reconsideration or any final vote on a bill is in order on the last day on which final action is allowed by a waiver.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which ~~{has}~~ :

(a) *Contains an appropriation; or*

(b) *Has been determined by the Fiscal Analysis Division to:*

~~{(a)}~~ *Contain an appropriation;*

~~{(b)}~~ (1) Authorize the expenditure by a state agency of sums not appropriated from the state general fund or the state highway fund;

~~{(c)}~~ (2) Create or increase any significant fiscal liability of the state;

~~{(d)}~~ (3) Implement a budget decision; or

~~{(e)}~~ (4) Significantly decrease any revenue of the state,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term “exempt” for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt after it is printed. A notation of each exemption granted after the bill

was printed must be included as a part of the history of the bill on the next practicable legislative day. The term “exempt” must be printed on the face of all subsequent reprints of the bill.

2. ~~[All]~~ *Unless exempt pursuant to paragraph (a) of subsection 1, all* of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until it is determined to be exempt pursuant to subsection 1. A bill determined to be exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined to be exempt after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A bill required to carry out the business of the Legislature.

(b) A ~~joint, concurrent or simple resolution.~~ *bill returned from enrollment for a technical correction.*

(c) A bill that was previously enrolled but, upon request of the legislature, has been returned from the Governor for further consideration.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that Title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments.

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the ~~[92nd]~~ 89th calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;
2. The extent to which coverage for the treatment or service is currently available;
3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;
4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;
5. The effect the required coverage will have on the cost of health care provided in this state; and
6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all legislators and lobbyists. Each member and lobbyist is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each person subject to these rules must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

4. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

5. If a legislator believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. Except as otherwise provided in subsection 7, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint received pursuant to subsection 5 to a committee consisting of legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures, and Ethics of the Assembly or the Committee on Legislative Affairs and Operations of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

10. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

11. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

12. Action taken by a complainant pursuant to this rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Giunchigliani moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 1—Providing for the appointment of attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 71st session of the Legislature of the State of Nevada: Patricia R. Williams, Lucinda Benjamin, Matthew Baker, Diane Keetch, Mary Matheus, Jason Hataway, Harle Glover, Terry Sullivan, Aleta Grashius, Marlo Harding, Megan Strong, Gregorio D. Torres, Lucas Watson, Jeanne Douglass, Nanita Moore, Paula Winne, Kathryn Alden, Linda Corbett, Barbara Houger, Linda Cooper, Karen Crawford, Heather Collins, Sue Modarelli, Cecile Crofoot, Kristi Geiser, Marge Griffin, Marilyn Jayne, Nykki Kinsley, Kelly Minton, Betty Phenix, Jackie L. Valley, Andrea Carothers, Cindy Clampitt, Lila Clark, Bonnie Compton Lopez, Connie Davis, Mary Drake, Kathryn Ely, Kathryn Fosnaugh, Glenda Jacques, Margaret Judge, Erin Knowles, Rebekah Langhoff, Virginia Letts, Cheryl Meyers, Sue Modarelli, Patty Moody, Gerlean Mosey, Linda Lee Nary, Darlene Nevin, Deborah Rengler, June Rigsby, Darlene Rubin, Sharon Scudder, Linda Smith, Carol J. Thomsen, Joan Tuntland, Linda Utt, Ann Van Nostrand, Eric Anderlohr, Mary Bean, Valorie Belknap, Stephany Corral, Nancy Dickson, Donna Esposito, Hilary Graunke, Donna Hancock, Joyce G. Hess, Millicent Jorgenson, Connie Knight, JoAnn Kula, Dawn Lee, Yhvona Martin, Carolyn J. Maynick, Jolene Jones Miley, Molly Mills, Leona Nielson, Kathryn Oetting, Diane Rea, Sheila

Sease, Jasmine Shackley, Janet Stokes, Claudette J. Thompson, Barbara Urbani, Novella Watson-Lee, June Bennett, Julayne McCarly Le Bas, Maxine Milabar, Bruce Pfeiffer, Eddie Cordisco, Jr., Mary Carel, Jennifer Anzalone, Kenneth Beaton, Norm Budden, John Davis, Jr., David Dickson, John Gaskill, Joyce E. Ghiselli, Juanita Heston, Steven Honey, Lois LaHair, Khristina Lamoreaux, Ray Mager, Bob Maynick, Reid Meyer, Kiyoshi Nishikawa, Jesse N. Pickett, Brandi Sargent, Lavern Souza-LaFleur and Elizabeth Tetz.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 2—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 3—Adopting the Standing Rules of the Assembly for the 71st legislative session.

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution must not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly. ~~for any committee thereof.~~

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its ~~standing~~ committees must be open to the public.

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. ~~Reserved.~~ *Portable electronic communication devices.*

1. *A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.*

2. *Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.*

Rule No. 22. Reserved.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the

committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

- (a) Against whom a complaint is brought requests a public hearing;
- (b) Discloses the opinion of the committee at any time after his hearing; or
- (c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairman. The chairman shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

- (a) His acceptance of a gift or loan; or
- (b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

- (a) The conflict impedes his independence of judgment;
- (b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;
- (c) His participation is likely to have any significant effect on the disposition of the measure; and
- (d) His interest is greater than the interests of an entire class of persons similarly situated.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member ~~[]~~ who:

(a) *Has been* certified by the Committee on ~~[Credentia] Elections, Procedures, and Ethics~~ or special committee of the Assembly ~~[]~~; and

(b) *Is physically present within the Assembly Chambers,*
may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. Taxation, ~~{thirteen}~~ twelve members.
4. Education, twelve members.
5. Elections, Procedures, and Ethics, ~~{nine}~~ twelve members.
6. Natural Resources, Agriculture, and Mining, ~~{thirteen}~~ twelve members.
7. Transportation, ~~{thirteen}~~ twelve members.
8. Commerce and Labor, fourteen members.
9. Health and Human Services, twelve members.
10. Government Affairs, fourteen members.
11. Constitutional Amendments, ~~{seven}~~ eight members.

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

Rule No. 42. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule.

2. ~~[Motions may be moved, seconded and passed by voice vote by]~~ Except as limited by this rule, a simple majority of those present ~~[+] may move, second and pass a motion by voice vote.~~

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of ~~{all}~~ the entire committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the entire committee and does not imply commitment to support final passage.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

8. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chairman has informed the Speaker of the intention of the committee to consider such a question.

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

Rule No. 44. Committee on Elections, Procedures, and Ethics.

The Committee on Elections, Procedures, and Ethics has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

Rule No. 45. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections, Procedures, and Ethics. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. The Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

Rule No. 46. Committee Action on Reports.

Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.

Rule No. 47. Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen must be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. *At the discretion of the chairman, members of the committee may attend,*

participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness. ~~{When all persons present have been heard, the chairman may declare closed the portion of the meeting wherein the committee will accept public testimony on the matter before proceeding to other matters.}~~

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

The next rule is 60.

VI. RULES GOVERNING MOTIONS

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. If desired by the presiding officer or any member, the motion must be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

Rule No. 61. Reserved.

Rule No. 62. Reserved.

PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of business of Motions, Resolutions and Notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the {day} :

1. Last day on which final action is allowed; or
2. Day preceding the last day of the session.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

Rule No. 82. *Privilege of Closing Debate.*

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

Rule No. 91. *Rescission, Change or Suspension of Rule.*

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the daily history and be made available to the news media. The daily history must include the most current version of the notice that is available at the time the daily history is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

- (a) Committee meetings held on the floor of the Assembly during a recess; or
- (b) Conference committee meetings.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto.

2. No part of ~~{said chamber or halls}~~ the Assembly Chamber may be used for, or occupied by signs or other devices for any kind of advertising.

3. *No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.*

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. ~~{Reserved.}~~ Privileged Questions.

Privileged questions have precedence of all others in the following order:

1. *Motions to fix the time to which the Assembly shall adjourn.*
2. *Motions to adjourn.*
3. *Questions relating to the rights and privileges of the Assembly or any of its members.*
4. *A call of the House.*
5. *Motions for special orders.*

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members must be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended must be reprinted, engrossed, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he ~~{objects to the inclusion}~~ *requests the removal* of a particular bill ~~{on}~~ from the consent calendar. If a member so ~~{objects,}~~ *requests*, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

4. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. ~~{No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall}~~ Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post ~~{in a conspicuous place in the chamber,}~~ a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising

from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration must be given on the day on which the final vote was taken by a member voting with the prevailing party. It is not in order for any member to move a reconsideration on the day on which the final vote was taken, except by unanimous consent. There may be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

Rule No. 116. ~~[Reserved.]~~ Vetoed Bills.

Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.

12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

Rule No. 121. Reserved.

Rule No. 122. ~~{Privileged Questions:~~

~~Privileged questions have precedence of all others in the following order:~~

- ~~1. Motions to fix the time to which the Assembly shall adjourn.~~
- ~~2. Motions to adjourn.~~
- ~~3. Questions relating to the rights and privileges of the Assembly or any of its members.~~
- ~~4. A call of the House.~~
- ~~5. Motions for special orders.] Renumbered as Rule No. 102 and reserved for future use.~~

Rule No. 123. ~~{Privilege of Closing Debate.~~

~~The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.] Renumbered as Rule No. 82 and reserved for future use.~~

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. ~~{Vetoed Bills:~~

~~Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.] Renumbered as Rule No. 116 and reserved for future use.~~

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Price.

Assemblyman Price moved to amend the resolution.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:56 p.m.

ASSEMBLY IN SESSION

At 2:58 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Price withdrew his motion to amend the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

PREFILED BILLS

By Assemblywoman Parnell:

Assembly Bill No. 1—AN ACT relating to schools; revises provisions relating to the qualifications and duties of certain school nurses; revises provisions relating to nursing services provided to certain pupils; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education

Motion carried.

By Assemblyman Lee:

Assembly Bill No. 2—AN ACT making an appropriation to Clark County for expenses related to the establishment and support of a regional shooting range in Southern Nevada; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Gustavson:

Assembly Bill No. 3—AN ACT making an appropriation to C.A.R.E. Chest of Sierra Nevada for completion of a new facility in Northern Nevada; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 4—AN ACT relating to prison industries; allowing money in the fund for new construction of facilities for prison industries to be used to expand existing industries; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 5—AN ACT making an appropriation to the State Public Works Board for the construction of a Hi-Tech Learning Center at the Great Basin College in Winnemucca; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 6—AN ACT relating to vehicles; requiring the department of motor vehicles and public safety to provide for the issuance of endorsements to holders of noncommercial licenses to tow certain vehicles; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 7—AN ACT relating to traffic laws; revising the requirements for permanent or portable signs in school crossing zones; eliminating the provisions that allow the use of automatic traffic-control devices in school zones in lieu of permanent or portable signs; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Cegavske:

Assembly Bill No. 8—AN ACT relating to motor vehicles; establishing provisional drivers' licenses for persons who are 16 or 17 years of age; making various changes concerning restricted licenses for pupils in schools, instruction permits and automobile driver education in public schools; clarifying certain provisions concerning the issuance of restricted licenses; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Parnell:

Assembly Bill No. 9—AN ACT relating to state employees; authorizing the use of arbitration for the adjustment of certain grievances; providing a

procedure for the selection of an arbitration panel; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 10—AN ACT relating to peace officers; requiring an agency of a local government to reimburse an agency of this state for the cost of training certain peace officers under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 11—AN ACT relating to the charter of the City of Elko; renaming the board of supervisors as the city council; revising the duties of the city council; clarifying the regulatory authority of the city council; revising the requirements relating to notice for special and emergency meetings; renaming the vice president chosen by the city council as the mayor pro tempore; repealing certain provisions; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 12—AN ACT relating to vital statistics; revising provisions governing the issuance of supplementary certificates of birth by the state registrar of vital statistics; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Parnell:

Assembly Bill No. 13—AN ACT relating to hospitals; authorizing a board of county commissioners to appoint a physician to serve as a voting member of the board of hospital trustees of the public hospital for the county under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 14—AN ACT relating to county hospitals; increasing the compensation of members of certain boards of hospital trustees for rural county hospitals; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 15—AN ACT relating to the welfare of children; requiring the establishment of a program to provide supportive assistance to certain persons who obtain the legal guardianship of their grandchildren; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblywoman Cegavske:

Assembly Bill No. 16—AN ACT relating to alcoholic beverages; increasing the penalty for providing an alcoholic beverage to an underage person; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 17—AN ACT relating to tort actions; requiring that damages awarded in certain actions be reduced by the amount of any benefit received from a collateral source; limiting the amount of noneconomic damages that may be awarded in certain actions; providing for periodic payments of future economic damages in certain actions; limiting attorney's fees in certain actions; extending the period of limitation for commencing an action for product liability; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 18—AN ACT relating to fiscal notes for legislative measures; requiring a fiscal note to contain an estimate of certain fiscal impacts for two biennia; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 19—AN ACT relating to state financial administration; providing in skeleton form for the creation of the forecast council and related technical advisory committees to produce long-term forecasts of state revenues and expenditures and estimates of impacts of proposed programs; establishing the projections and forecasts of the forecast council as the official long-term forecasts of this state for budgetary purposes; expanding the duties of the office of financial analysis and planning of the fiscal analysis division of the legislative counsel bureau to support the forecast council and related technical advisory committees; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Parnell:

Assembly Bill No. 20—AN ACT making a contingent appropriation to the Brewery Arts Center for the purchase of property for the development of a cultural center and plaza in the Carson City historic district; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Cegavske:

Assembly Bill No. 21—AN ACT relating to traffic laws; requiring a court to order a person who is convicted of a second offense of driving under the influence of intoxicating liquor or a controlled substance within 7 years to attend a program of treatment for the abuse of alcohol or drugs; increasing the amount of time that such a person may be placed under the clinical supervision of a treatment facility; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblyman Lee:

Assembly Bill No. 22—AN ACT relating to judges; amending the charter of the City of Las Vegas to authorize the city council to extend the terms of municipal judges; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 23—AN ACT relating to justices' courts; increasing the population of a township used to determine the number of justices of the peace in certain larger counties; providing that in certain smaller counties the board of county commissioners may determine whether to increase the number of justices of the peace when the population of a township provides for such an increase; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 24—AN ACT relating to crimes; prohibiting a person from directing light emitted from a laser pointer into or through certain places and at certain persons under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 25—AN ACT relating to tobacco; providing that a minor who falsely represents his age to purchase tobacco products is in need of supervision; authorizing a merchant to detain such a minor for the purpose of informing a peace officer; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 26—AN ACT relating to higher education; requiring the legislative auditor to conduct an audit of the University and Community College System of Nevada and the Board of Regents of the University of Nevada; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 27—AN ACT relating to juveniles; prohibiting a person or entity that supervises a juvenile ordered to perform work or community service from placing the juvenile on a highway or in any other dangerous situation; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman de Braga:

Assembly Bill No. 28—AN ACT relating to school property; providing a procedure for the sale of a house or other structure built by pupils enrolled in a program of instruction offered by a public school; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 29—AN ACT relating to water pollution; requiring the director of the state department of conservation and natural resources to conduct an independent investigation before making certain determinations concerning the control of water pollution under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

By Assemblywoman de Braga:

Assembly Bill No. 30—AN ACT relating to the application of pesticides; increasing the amount of insurance coverage required for a license to apply pesticides by aircraft; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 31—AN ACT relating to public welfare; requiring the department of human resources to include presumptive eligibility for pregnant women and for children who are less than 19 years of age in the state plan for Medicaid to the extent authorized by federal law; requiring the department to include presumptive eligibility for children who are less than 19 years of age in the children's health insurance program to the extent authorized by federal law; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblywoman Gibbons:

Assembly Bill No. 32—AN ACT relating to chiropractic; revising provisions governing the issuance of a license to practice chiropractic and a temporary license to practice chiropractic; increasing the number of chiropractic assistants that a chiropractor may supervise; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 33—AN ACT relating to trusts; expressly validating a trust for the care of an animal; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Berman:

Assembly Bill No. 34—AN ACT relating to domestic relations; revising the provisions governing the granting of rights to visitation with a child to persons other than the parents of the child; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Berman:

Assembly Bill No. 35—AN ACT relating to public welfare; requiring the department of human resources to include presumptive eligibility for children who are less than 19 years of age in the children's health insurance program to the extent authorized by federal law; requiring the department to establish a program of training for employees of certain health care facilities to assist and encourage persons to enroll children in the children's health insurance program; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committee on Health and Human Services and Ways and Means.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 36—AN ACT relating to insurance; revising various provisions governing the approval and payment of claims; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 37—AN ACT relating to child support; increasing the maximum monthly amount that a parent may be required to pay for support of a child; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Gustavson:

Assembly Bill No. 38—AN ACT relating to common-interest communities; authorizing the notice of meetings of units' owners and executive boards of associations of common-interest communities to be sent by electronic mail upon request; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Dini; Senator Amodei:

Assembly Bill No. 39—AN ACT making an appropriation to the State Public Works Board for the construction of Hi-Tech Learning Centers in Fernley and Yerington; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Dini; Senator Amodei:

Assembly Bill No. 40—AN ACT making an appropriation to Storey County for allocation to the Community Chest, Inc., for a county youth and community resources center; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Dini; Senator Amodei:

Assembly Bill No. 41—AN ACT relating to attorneys; authorizing city attorneys to defend a person in a criminal proceeding under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 42—AN ACT relating to state personnel system; clarifying that the provision which provides certain reemployment rights with the executive branch of state government to certain employees applies

regardless of the status of such employees with the department of personnel; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 43—AN ACT relating to workers' compensation; requiring that the formula for the assessments to support the uninsured employers' claim fund, the subsequent injury fund for self-insured employers, the subsequent injury fund for associations of self-insured public or private employers, the subsequent injury fund for private carriers and the fund for workers' compensation and safety be based on premiums to be received by industrial insurers; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 44—AN ACT relating to industrial insurance; revising the provisions requiring the administrator of the division of industrial relations of the department of business and industry to conduct audits of insurers; revising the provisions governing maintenance of files of claims at the office of an insurer; clarifying the authority of a board of trustees of an association of self-insured public employers to invest certain money; requiring insurers, organizations for managed care and certain employers to notify an injured employee if a medical bill submitted on his behalf is denied and that the injured employee has a right to appeal the denial; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 45—AN ACT relating to industrial insurance; requiring the administrator of the division of industrial relations of the department of business and industry to create and make publicly available a pamphlet addressing the use and operation of the subsequent injury funds for self-insured employers, associations of self-insured public or private employers, and private carriers; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 46—AN ACT relating to industrial insurance; revising the provision governing tests that are to be administered to certain police officers and firemen to determine if they have contagious diseases that qualify for workers' compensation; requiring the administrator of the division of industrial relations of the department of business and industry to designate a vendor of certain data to assist the administrator in the establishment and revision of a schedule of reasonable fees for accident benefits; revising the provisions governing the circumstances under which a closed claim may be reopened; revising the provisions governing the effect on workers' compensation if an employee's injury is caused at least in part by the absence of a required safeguard or protection; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 47—AN ACT relating to industrial insurance; requiring an employer to ensure that a copy of its policy of industrial insurance is available for inspection by certain state officials; requiring self-insured employers and associations of self-insured public or private employers to ensure that their certificates of qualification are available for inspection by certain state officials; revising the provisions governing notification by employers and private carriers of cancellations, issuances and other actions concerning policies of industrial insurance; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 48—AN ACT relating to industrial insurance; providing a definition of "policy year" for the purpose of industrial insurance; specifying the circumstances under which a policy of industrial insurance may exclude coverage for certain employees covered by a consolidated insurance program; allowing certain employers to report information concerning tips received by their employees by a computerized program or process; authorizing a private carrier to require a sole proprietor seeking coverage to submit to a physical examination; eliminating the requirement that unpaid premiums bear interest at the rate of 1 percent monthly; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 49—AN ACT relating to industrial insurance; transferring certain duties from the administrator of the division of industrial relations of the department of business and industry to the hearing and appeals officers of the department of administration; requiring that a code of professional conduct be created for appeals officers of the department of administration; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 50—AN ACT relating to local governments; increasing the balance that certain school districts may maintain in a fund to stabilize the operation of the school district and mitigate the effects of natural disasters; revising the amount of money that certain school districts may transfer to certain funds; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 51—AN ACT making an appropriation from the state highway fund to the Department of Motor Vehicles and Public Safety for the creation and maintenance of a branch office in Boulder City; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Bache, Parks, McClain, Koivisto and Giunchigliani:

Assembly Bill No. 52—AN ACT relating to providers of health services; limiting the fees which providers that accept insurance payments may collect from patients; requiring the legislative auditor to conduct an audit of the University Medical Center of Southern Nevada; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 53—AN ACT relating to taxation; repealing the business tax under certain conditions; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 54—AN ACT relating to criminal procedure; revising the provisions relating to the time within which a prosecution for kidnapping, attempted murder or certain aggravated stalking offenses must be commenced; revising certain provisions concerning genetic marker testing to refer to obtaining a “biological specimen”; providing for genetic marker testing of certain persons who reside in this state and who are convicted of certain crimes in other states; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 55—AN ACT relating to county jails; eliminating the requirement that a county jail be located at the county seat; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 56—AN ACT relating to counties; authorizing counties to transfer or sell real property obtained from the Federal Government to certain persons without offering the property to the public under certain circumstances; establishing a price for the sale of such property under certain circumstances; requiring a county to collect certain amounts from a person before selling or transferring the property to that person; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 57—AN ACT relating to education; making an appropriation to the Department of Education to provide grants of money for certain programs that promote parental involvement; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Parnell:

Assembly Bill No. 58—AN ACT relating to schools; requiring boards of trustees of school districts to pay increased salaries to certain employees who hold national certification recognized by the commission on professional standards in education; requiring related information to be included in the annual budget report of each school district; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 59—AN ACT relating to cities; requiring a special election to fill a vacancy on or the office of an additional member of the governing body of a city in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Beers:

Assembly Bill No. 60—AN ACT relating to meetings of public bodies; requiring a public body to post a notice of its meetings on its website on the Internet if the public body maintains such a website; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Beers:

Assembly Bill No. 61—AN ACT relating to property; prohibiting certain restrictions pertaining to station antenna structures used in amateur service communications; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 62—AN ACT relating to garnishment; requiring a garnishee to submit his answers to garnishee interrogatories to the sheriff; limiting the amount of a judgment by default that may be rendered against certain garnishees who fail to answer such interrogatories; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 63—AN ACT relating to real property; revising the provisions governing the maintenance of landscaping, public lighting and security walls in subdivisions and planned unit developments; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 2001

To the honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Buckley.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:18 p.m.

ASSEMBLY IN SESSION

At 3:24 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 1 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cairn Lindloff, Natha Clyde Anderson, Lani Anderson, Ed Anderson, Eddie Anderson, Rick Gardner, Kelly Gardner, R.J. Gardner, Becca Gardner, Whitney Gardner, Michael Gardner and Carolyn Hooper.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Angle, Bill Angle, Steve Bond, Penny Brock, Cindy Bush, Terry Campbell, Tom Cox, Allayne Donnelly, Cathy Lewis, Chris Lewis, Dave Lewis, Fortino Martinez, Allan Mills, Molly Mills, Don Nelson, Jacob Robertson, Jerry Stacy, Hazel Talbut and Barbara West.

On request of Assemblyman Arberry the privilege of the floor of the Assembly Chamber for this day was extended to Ricki Barlow, Delisha Edmond, Maria Marinch, Lisa Morris, Virgie Vincent and Marcia Rose Walker.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Sallie S. Bache and Christine N. Bache.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela S. Graham, Dr. Ihsan Azzam and Lorraine Harrington.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Loren S. Brower, Hayley S. Brower, Kaitlin S. Brower, Randa L. Stenson and Donald J. Stenson.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Darci K. Brown, Elizabeth A. Brown, Bridgette S. Brown, Dewaine M. Brown, Judith R. Brown, Noel Hazard, Kelly Hazard and Holly Collins.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Chan Kendrick, Aiden Kendrick, Carol Loomis, Wayne Pressel, Candace Ruisi and Tina Prieto.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Roseann Carpenter, Candice Carpenter, Elizabeth Carpenter, Linda Meo, Timothy Meo, Stephanie Meo, Lois DeForest, Doug DeForest, Mindy Boydston, Jet Carpenter, Tina Carpenter, Scott Carpenter, Melanie Carpenter, Darrow Carpenter, Kayla Carpenter, Susan Rucker.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Cegavske, Bret Cegavske, Tim Cegavske, Sean Collins, Natalie Gallier, Ned Hoogland, Karen Latimer, Laura Thuet, Sara Towles and Ashlee Whiting.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Judie Benet, Elmer Chowning, Vanessa Harms, Joseph Modarelli, Sue Modarelli, Geri Mosey, Kenneth Sampson, Steven Sampson, Jackie Valley, and William Williams.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Collins.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Jo Acorda, Jaime Acorda, Lael Casey, Mitzi Corkill, Goldie de Braga and Lyle de Braga.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Mouryne Dini, George Dini, Gretchen Dini, Jennifer Dini, Krystine Dini, Mendee Glass, Joshua Dini, Jay Dini, Kathleen Dini, Heather Dini, Evan Dini, Eryn Dini, Gertrude McCarthy, Norton Picket, Vivian Picket and Richard Gomez.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Moya Lear, Moya T. Lear, Corine Philypipi, Lyndsey Nunn and Karen Wells.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Lawrence Giunchigliani, Myrna Giunchigliani, Gary Gray, Marge Griffin, Ann Von Nostrand and Hannah Zive.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Tuntland, Bert Goldwater, Mary Goldwater and Dan Tuntland.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Marlene A. Cook, Don G. Gustavson II, Don V. Gustavson, Lee Gustavson, Donna Katsimbras, Paul Katsimbras, Heather Nicole Saulnier, Kayla Saulnier and Kerry Saulnier.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Arla Hettrick.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Cindi Humke.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew H. Koivisto, Victor J. Koivisto, Edie Barker and Bob Barker.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Anderlohr.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Wilburta Marvel.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Mortenson and Sheila Sease.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Nolan, Joey Nolan, Ryan Nolan, Carson Nichole Nolan, Donna Esposito, Heartwell Ku, Patrick Baily and Valerie Michael.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery, Greg Klemens, Carla Klemens, Christopher Klemens, Benjamin Klemens, Steve Hansen, Susan Hansen, Ramone Ocegüera and Aaron West.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Parsons.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Barker, Edie Barker, Jan Barker, Brooke Butler, Danielle Butler, Rhett Butler, Bob Campbell, Irene Campbell, Ashley Perkins, Ken Perkins, Rikki Perkins, Shirley Perkins, Cheryl Rock, Crystal Rock, Dennis Rock, Jessica Rock, Nicole Sayles, Brian Weideman, Stephanie Weideman and the Basic High School Madrigal Choir Students, consisting of: Miss Holly Peterson, Sarah Alawami, Brandon Anders, Jamie Brown, Jana Brown, Kirbie Burks, Kolby Campbell, Marcus Culpepper, Andrew Cutler, Jillian Dennis, Adam Estes, Tracy Estes, Bryon Gifford, Brandon Hafen, Paul Hernandez, Matthew Larsen, Jennifer Linford, Jody Mangum, Steven Munteer, Angela Nelson, Kevin Scales, Holly Smith, Bryan Stiles, Jeremy Traynor, Rebecca Wadley, Johanna Ware, Leanna and Welch.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Collins, Mary Garcia and Lyn Nary.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Smith and Larry Smith and Bruce Bilbrey, Connie Bilbrey, David Bilbrey, Ellen Bilbrey, Paige Bilbrey, Paul Bilbrey, David Bouch, Olivia Bouch, Barbara Clark, Pete Cox, Connie Kight, Debbie Kight, Jonny Lester, Bunny McElyea, Jim McElyea, Sue Pellini, Cindy Porath, Larry Porath, Loretta Ramirez, Jamie Schocko, Erin Smith, Greg Smith, Ian Smith, Charlie Warren, Jeanette Dean,

Shelly Kraft, Kaye Lane, Jerry Miller, Breanna Angilley, Nikki Antoigue, Tyetta Buckner, Geoff Callahan, Cory Cargill, Crisea Colton, D’Raun Manning, Janine McGee, Jhontie Robinson, Thomesia Smith, Jahlyse Stewart, Tommy Lane, Davia Zabalza, Sarah Lightfoot, Ashley Mariluch, Mandel Figoni, Kyle Oliver, David Walton, Ed Williams, Dean Abrams, Mrs. Debbie Silva, Anthony Archie, Andrew Benson, Wendy Cadtillo, Adam Chagnon, Jindeola Chapman, Melvin English, September Fecho, Tiphoni Figoni, Jerome Garrett, Stephanie Hart, Doug Hoffman, Ben James, Matt Logan, Bianca Moore, Kristina Peterson, Sofia Ramirez, William Robinson, Joe Walton and Kim Martinez.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Wyman, Tiffany Debra Van der Stokker, and Luana Nancy Dickson.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Zelda Williams, LaVerne Marwin and Noel Fisher.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, February 6, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 3:26 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY (Tuesday) February 6, 2001

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Good morning, Father. Well, here we are again. Somehow, it seems the same, yet somehow it seems different. We are excited about the prospects of the next months, but we are fearful too. We are excited about the confidence that the voters have placed in us, but may we be awed and revered by Your very presence among us. Bless us, O Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hettrick (by request):

Assembly Bill No. 64—AN ACT relating to education; requiring the boards of trustees of school districts and the governing bodies of charter schools to exempt pupils from taking certain achievement and proficiency examinations administered in the public schools upon the request of a parent; requiring the state board of education to prescribe alternative criteria for the evaluation of pupils who are exempt from the examinations for promotion to the next higher grade and receipt of a high school diploma; providing that certain pupils may be retained more than one time in the same grade; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 65—AN ACT making an appropriation to Clark County for the support of adult day care centers of the Economic Opportunity Board of Clark County; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 66—AN ACT making an appropriation to the City of North Las Vegas for the support of Nevada Partners; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 67—AN ACT making an appropriation to the Clark County School District for the purchase of a web-based educational system for the instruction of pupils and the professional development of educators; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 68—AN ACT making an appropriation to the City of North Las Vegas for the development of the El Camino Real Cultural Center; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 69—AN ACT relating to children; imposing a surcharge on each payment of child support collected by a district attorney to be used for programs for the mentoring of children; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 70—AN ACT making an appropriation to the Housing Authority of the City of Las Vegas for certain construction projects that will provide affordable housing for senior citizens; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 71—AN ACT making an appropriation to Clark County for new facilities at the Spring Mountain Youth Camp; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Marvel and Hettrick:

Assembly Bill No. 72—AN ACT relating to public works; making plans, drawings, specifications, maps, reports and other instruments of service prepared by a design professional for a public work the property of the State of Nevada; authorizing the reuse of such plans, drawings, specifications, maps, reports and other instruments of service for another public work; requiring that a design professional waive his right to ownership of the copyright for the plans, drawings, specifications, maps, reports and other instruments of service prepared for a public work; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 1

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 1:

YEAS—41

NAYS—None.

EXCUSED—Ohrenschall—1.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 1.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Chowning, Humke and Gibbons.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Kenny Dalton.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 7, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday) February 7, 2001

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

God, years ago, on a mountaintop, one of your followers exclaimed, "Lord, it is good for us to be here." Today we are on another mountaintop, and once again, it is good for us to be here. Please be here with us in all that we do. And Father, please be with our Ms. Ohrenschall this morning, who is undergoing surgery even as we meet. We pray in the Name of our Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, de Braga, Hettrick and Parnell:

Assembly Bill No. 73—AN ACT relating to substance abuse; making an appropriation to the administrative office of the courts for the establishment of programs of treatment for the abuse of alcohol or controlled substances in Carson City and Churchill, Douglas, Lyon and Storey counties; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

SPECIAL ORDERS OF THE DAY

The hour of 11:15 a.m. having arrived, vetoed Assembly Bill No. 332 of the 70th Session was considered.

Vetoed Assembly Bill No. 332 of the 70th Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 11, 1999

THE HONORABLE DEAN HELLER, *Secretary of State*, CAPITOL COMPLEX, Carson City, Nevada
89701

DEAR SECRETARY HELLER:

Attached herewith is Assembly Bill No. 332 of the 1999 legislative session, which I am returning to you within the constitutional limit without my signature and without approval. I am vetoing the bill because it inhibits the removal of poor teachers from the classroom and places and undue and potentially substantial burden on school administrators.

Assembly Bill 332 makes various changes concerning the evaluation of teachers. Among other provisions, the bill requires the evaluation of probationary and post-probationary teachers include a description of the actions that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation. Upon request, the administration must assist the teacher to correct those deficiencies. Similarly, the measure requires that an admonition given to a licensed employee must include a description of the action that will be taken to assist the employee in correcting the deficiencies.

Although these requirements may appear to be commendable, in fact the bill makes the school district and the administrator responsible for the employee's success or failure—not the employee. A probationary or licensed teacher with a poor evaluation might demand assistance to correct deficiencies, and the bill does not limit that assistance. Requested help might include books, classes, professional development seminars, and unlimited mentoring on listed deficiencies.

Certainly, all of us—state and local officials, administrators, and parents—want to see our teachers, and with them our students, succeed. We believe that helping teachers through meaningful evaluation and reasonable support is appropriate and requisite. Employee evaluations are an invaluable tool to improve the quality of instruction in our schools. Assembly Bill 332, however, imposes unreasonable requirements on administrators, which will make administrators reluctant to offer constructive criticism and serve only to protect probationary employees who simply do not show instructional skills. What is more, the bill will make the removal of a poor teacher from a classroom virtually impossible.

The 1999 Nevada Legislature made many positive changes related to the improvement of education in Nevada. In particular, the funding of teacher centers in certain areas of the state will go far in improving instructional quality. Nevertheless, no one wants to see a poor teacher continue teaching because of a technicality in the evaluation law, and Assembly Bill 332 would allow that to happen.

Sincerely,
Kenny C. Guinn
Governor

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblymen Anderson, Hettrick and Parnell.

Assemblywoman Buckley requested that the following remarks be entered in the Journal:

ASSEMBLYMAN ANDERSON:

During the 1999 Session of this esteemed body AB 332 was introduced, heard, deliberated, amended and passed. This bill received substantial bi-partisan support with only nine votes against it in the Assembly and one “no” vote in the Senate.

Why did AB 332 receive the overwhelming support of the Nevada Legislature? The answer is simple. AB 332 is an education accountability bill that deals with the very important subject of teacher evaluation. In all of the discussions about education accountability going back to the

1997 Session, there was no discussion about the role of administrators and their importance in the evaluation process.

During testimony on AB 332 teachers came forward and talked about their experiences with administrators who somehow managed to write evaluations of their performance without ever having been in their classrooms. AB 332 requires that those charged with the responsibility of conducting evaluations personally observe the performance of the teacher in the classroom for at least one hour during each evaluation period.

Given the criticism from some about bad teachers in the classroom and the call for more accountability, we brought this bill forward to the Legislature and said, "Come in and evaluate us. Please!" Let administrators do the very important work that they are supposed to do—evaluate the performance of teachers after direct observation in the classroom. Let's stop the practice of "drive by" evaluations. The Nevada Legislature agreed.

First, let me clear up the continuing myth about teacher tenure in Nevada that does not now exist—nor would it exist if this bill had become law. Some are now saying that AB 332 would make it impossible to get rid of bad teachers. Were those of us who voted for this bill in 1999—the 33 of us who voted for it in the Assembly and the 19 who voted for it in the Senate—misinformed about the content of this bill? No. We voted for the bill because it was a good piece of legislation.

As a classroom teacher with 29 years of experience, I know the task of teaching is not easy. I know that the burden of being the educational leader of a school—a mantle that an administrator has—is equally daunting.

By voting to allow AB 332 to pass notwithstanding the Governor's veto, you will be ensuring that administrators perform one of their most important duties—observing teachers in their classrooms and writing evaluations that are meaningful and productive which will benefit those teachers and the students they serve.

A newly elected member of the United States Senate wrote a book several years ago which she titled—after an old African statement—"It takes a village to raise a child.". This bill made that statement for the children of Nevada.

I urge your support for AB 332.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I rise in support of sustaining the Governor's veto. We're fortunate in Nevada to have a governor who understands education, who was a teacher, and a superintendent of schools. He understands education. We have a governor who vetoed this bill because he was concerned about what its language does. We were contacted by the two largest school districts in this state, Clark County and Washoe County, and they also expressed concern about what this language does. We are in session; we are here. The Governor has indicated a willingness to work on the good content of this bill and the good intent of this bill, so it can alleviate the concern that he has and that the school districts have. Since we are here, since we have the opportunity to fix this, I believe it is the appropriate thing to do to sustain the Governor's veto and work on passing the good things that are contained within this bill. Therefore I ask all of you to vote "no" and sustain the Governor's veto.

ASSEMBLYWOMAN PARNELL:

Thank you, Mr. Speaker. I wish to echo all of the comments of Assemblyman Anderson with particular regard to statements made that AB 332 would make it more difficult for a principal to remove an unsatisfactory teacher from the classroom. That is not what the language in this bill would do. Under no circumstances have I ever, or would ever, support any such attempt. I have had the highest of expectations for myself as a classroom teacher as well as for others in my profession. Had it not been for these expectations, I doubt that I would have been selected as the Nevada Teacher of the Year. What this bill does address is a much-needed component for administrative accountability, a much needed addition for school reform efforts in this state. Thank you very much, Mr. Speaker.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—Anderson, Arberry, Bache, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Ocegüera, Parks, Parnell, Perkins, Price, Smith and Williams—26.

NAYS—Angle, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Gibbons, Gustavson, Hettrick, Humke, Marvel, Nolan, Tiffany and Von Tobel—15.

EXCUSED—Ohrenschall.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that CARSON CITY NEWS: David D. Morgan; COVER EDGE: Michele Kane, Kevin Ross; FOX 5: Don Lyle; LAS VEGAS SUN: Aaron Mayes; NEVADA APPEAL: Bob Thomas; RENO GAZETTE-JOURNAL: Bill O'Driscoll be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers and that they be allowed use of appropriate broadcasting facilities.

Assemblyman Dini moved that the action whereby Assembly Bill No. 73 was referred to the Concurrent Committees on Judiciary and Ways and Means be rescinded.

Motion carried.

Assemblyman Dini moved that Assembly Bill No. 73 be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I did want to make a remark relative to the offer that my distinguished colleague from Assembly District 39 made, concerning working on the merits of the piece of legislation, AB 332. I believe it is a good faith offer and I take it as such. I believe education remains the most important aspect that this body can do. It is the thing of the future; it is tomorrow. We must be ever vigilant of what we do for the children.

I believe that we will come out of this with a responsibility. I hope to continue to work in this area and I want to thank those people who supported me, and those who have had to deal with the "onion" as it exists—the nature of politics being as it is. I understand that we will work through this, because kids come first.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 1, 2 and 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Paul Deiringer, Glenn Reed, Sue Reed and Jim Goebels and Jesse Gutierrez.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to John T. Stephens III.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Al Walker.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Michele G. Alvarez, Sarah E. Andrews, Brad Butti, Matthew Hill, Janna C. Huffman, Weston A. Knox, Kristy L. Matthews, Shawn C. Salisbury, Romaine T. Smokey, Amber L. Breuer, Daniel Canale, Noel Cruz, Loren D. Hall, Tara Lucido, Matthew Martin, Katherine L. Moore, Krystle L. Moore, Cori Niemann, Amber M. Oglesby, Melissa A. Trent, Christine M. Turnbull, Amanda Ivie and Tracie Hudson.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Bert Brown and Cedric Kerns.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 9, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday) February 9, 2001

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Ohrenschall and Tiffany, who were excused.

Prayer by the Chaplain, Reverend, Bruce Henderson.

Our Father Who art in heaven. We're not in heaven yet. No, we're still down here. Some of us are far from home and we have a long way to go before we can return. Please be with our loved ones, and be with us in the days and weeks and months ahead. Our Father Who art in heaven, please come down here with us. And Lord, please be with our esteemed guest speaker and his words and the things he will share with us.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Berman, Carpenter and Gibbons:

Assembly Bill No. 74—AN ACT relating to children; prohibiting the employment of children under 16 years of age in certain activities relating to commercial sales or distribution; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Berman, Gibbons, Carpenter, Giunchigliani, Hettrick, Humke and Von Tobel:

Assembly Bill No. 75—AN ACT relating to cancer; requiring the adoption of a state cancer plan; mandating the administrative action necessary to provide Medicaid coverage to certain patients with breast or cervical cancer; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 76—AN ACT making appropriations to the Interim Finance Committee and the Department of Education for allocation to certain public television stations to convert to digital television as required by the Federal Communications Commission and for the support of certain nonprofit public radio stations to assist in the replacement of aging transmission equipment; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 77—AN ACT relating to unclaimed property; revising provisions governing when unclaimed property is presumed abandoned; providing for a limited exemption from interest penalties for the late payment or delivery of abandoned property under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dini, Anderson, Price, Bache, Buckley, Chowning, Gibbons, Giunchigliani, Goldwater, Humke, Koivisto, Marvel and Perkins:

Assembly Bill No. 78—AN ACT relating to health care; revising the definitions of “practice of practical nursing” and “practice of professional nursing” to specify that a nurse may accept direction from a physician’s assistant; authorizing a registered nurse to possess and administer certain drugs and medicines at the direction of a physician’s assistant; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Dini, Neighbors, Carpenter, Price, Anderson, de Braga, Gibbons, Humke, Marvel and Perkins:

Assembly Bill No. 79—AN ACT relating to mining; providing for the issuance of interim permits to engage in an exploration project or mining operation; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Dini, Anderson, Chowning, Bache, Price, Buckley, Gibbons, Giunchigliani, Goldwater, Humke, Koivisto, Marvel and Perkins:

Assembly Bill No. 80—AN ACT relating to recreational areas; requiring the issuance of permits to certain disabled persons for free use of state parks and other recreational areas; reducing the age requirement for free use of state parks and other recreational areas by older persons; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 81—AN ACT relating to real property; revising provisions governing the enforceability of arbitration agreements relating to constructional defect matters; revising provisions governing offers to repair and repair of constructional defects; revising provisions governing the recovery of damages for constructional defects; revising provisions governing the dissolution of corporations and limited-liability companies; prohibiting contractual clauses which require arbitration in certain circumstances; revising provisions governing the commencement of a civil action by a common-interest community association; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Lee and Parnell as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 7, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 1.

MARY JO MONGELLI

Assistant Secretary of the Senate

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:19 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except for Assemblywomen Ohrenschall and Tiffany, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Weiner and Assemblywoman Koivisto to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Reid and invited him to deliver his message.

U.S. Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FIRST SESSION, 2001

Governor, Lieutenant Governor, Mr. Speaker, Mr. Leader, members of the Assembly, Senate, and guests: Every time I come to the Nevada State Legislature waves of nostalgia fill my soul. It was here my legislative career started. I think of the many accomplishments of many different legislators over the years, those who I served with, and those who have served in the past. Would you join me today in recognizing one of the great legislators in the history of the State of Nevada with a moment of silence, Jan Evans. Of course, there are those who are now serving and those who will yet serve. My legislative career started here. The first time I served I had the good fortune of meeting in the Capitol. What has happened in Nevada since 1864 has revolved around what takes place in these legislative halls.

Last Monday night I went to Senator Kennedy's home to celebrate the release of a new book containing the letters of his father. Landra and I got there a bit early and Ted asked us to go upstairs and look around. It is like a little museum, with all kinds of things on the walls, letters from Jackie Kennedy, his dad, and his brothers. One thing that struck me was the framed notes his brother John had written prior to addressing the Nevada State Legislature in 1960. I went downstairs and asked Senator Kennedy if he remembered that.

Important things happen every time this legislature meets. A president won't address the legislature this session, but the destiny of our state will be determined by what happens in these halls over the next 115 days. A century ago, my birthplace, Searchlight, was the fastest growing community in Nevada. Gold had been discovered, miners and others came, the future looked bright. Searchlight was one of the first modern towns of western America. It had electricity, telephones, and telegraph, even a modern water system. Only a few years later, the gold became scarce—the mines slowed down—miners and others began to leave. Those few who stayed faced hard times and social upheaval. Those who remained did so because Searchlight was their home. Though I was born in Searchlight, today I spend much of my time three thousand miles from Searchlight, in Washington, D.C. But, Nevada is my home, and like any home, I want it to be the cleanest, safest, most prosperous place it can be—a place to rest one's head, raise one's children, a refuge for the spirit, a place to return when the day is done. All of us share this dream—because Nevada is our home.

We in government ought to make decisions that affect the state in the same way families make decisions that affect their own home. There is no higher calling than public service. I thank each of you for your service to the people of the Silver State.

We share in our accomplishments and our failures—when a road is built, it's our road—when a lake is polluted, it's our lake—when a community is in distress, it's our community—when

deadly nuclear waste threatens to be transported, it affects each and every one of us—because Nevada is our home.

We have our own interests and ideals, our separate lives, but when times of trouble and turmoil arise, we all come together, we come together as one—not as Democrats or Republicans, liberals or conservatives, not as federal or state officials—but as Nevadans. Because our challenges are not exclusively federal, state or local—therefore, neither can our solutions.

We have in the past worked together. For example, we did it with the Truckee-Carson water settlement. We did it again with the Lake Tahoe Summit, working to restore, as Mark Twain said, “the fairest place in all the earth.” This historic agreement brought together federal, state, and local governments, as well as residents, businesses, environmentalists, and community leaders. This can be used to set a model for what can be achieved when we work as one. We did it with the school in Schurz; we did it when we cleaned up the Helms Pit, which is now the Sparks Marina. These are a few examples of the many times we have worked together.

From the past we learn that together we must meet the challenges of Nevada’s tomorrows.

Nevadans’ health must be our priority. Some communities are afraid—eleven new leukemia cases discovered in Fallon, which is more than forty times the national average. The Pyramid Lake Paiute Tribe has experienced a five-fold increase in cancer cases, possibly resulting from the Sierra Army Depot’s open munitions burning. These and other health questions must have answers—because Nevada is our home.

We have women in our state who are frequently diagnosed with breast cancer. It is estimated that 1200 Nevada women will be diagnosed for the first time and 200 women will die from this dread disease this year. Why? We don’t know. These women are our mothers, our wives, our sisters, and our daughters. Last year, I obtained nearly two million dollars in federal funding for the UNLV Cancer Research Center, to expand its research efforts. Your support here has been essential. I am now working to establish national breast cancer research centers to focus on eradicating this disease.

Some of us need assistance in our golden years but can’t afford it. Assemblywoman Barbara Buckley has proposed a unique, pilot project—funded by private donations and state funding, with land from the federal government—to create affordable assisted living facilities for low-income Nevadans. Together, we can do this.

Some among us have been prescribed drugs by their physicians, but cannot afford to buy them because they are not covered by Medicare or other health plans. Here is a letter that I received from Barbara Keefer of Sun Valley: “I am 60 years old and on Social Security Disability. I get \$585 a month and have osteoporosis. I have many broken bones and need medication for this, along with a variety of other prescriptions. The medications that I have to take cost more than \$100 a month, and it is a hardship to get them every month. I really hope you will fight to help people like me.”

I say to Barbara Keefer that we must reply “yes.” We will fight to help her. Congress and this legislature, the Nevada Legislature, must strengthen our legislative partnership—because they are our parents, and because Nevada is our home.

Nevada’s children must be educated. In Nevada, we have one of the highest dropout rates in the nation—we have the fifth worst student-to-teacher ratio in the entire country. Our schools need 300 million dollars in repair and renovation. A few months ago, I received a letter jointly signed by seven parents who had first graders at Dayton Elementary School. They said, among other things, that their children go to school every day in classrooms that are overcrowded and where teachers are overworked. They wrote: “Mr. Reid, we look to you, to give us the direction we need to ensure that all of our children receive the best education available.”

I say to these parents that we in Congress can do better. You, in this legislature, can do better. We need to give young Nevadans a better education, because these are our children—and because Nevada is our home.

Nevadans must have economic security. Not every Nevadan has shared in the boom of these last seven years. Unemployment rates are at record lows—but those numbers don’t tell us the difficulty of living on minimum wage with few or no benefits. All Nevadans must share in our prosperity—from the young father who works two jobs at two different casinos, to the single mother who leaves for work before her children get up in the morning and returns home after they’ve gone to bed—because they are our neighbors, and because Nevada is our home.

We need to open the democratic process to more—to all. Too many Nevadans don't vote because they don't believe the system will help them. They in effect, have been turned off. We need to make it easier for them to register and easier for them to vote. Secretary of State Dean Heller has become a national leader in reforming the electoral process. He has done this in the State of Nevada and nationally, as well. We need to listen, in Washington, D.C. and Carson City, to his advice and counsel.

Our state must remain clean and livable. We have natural resources that are polluted and energy sources which are being pressed to their limits. A few days ago, among other restrictions, California ordered a 50 percent reduction in the use of power for outdoor lighting. Nevada is the neon capital of the world—bright lights are what we're known for the world over—and we need to make sure that we have enough affordable power to keep our state growing, and our neon glowing.

Ron Feldstein of Carson City wrote: "I was horrified to read that Southwest Gas was increasing our gas bills 35 percent. Last month my Southwest gas bill was over \$100. The only way a senior can afford such a huge increase means they have to give up something, or in other words, lower their standard of living. That usually means giving up a certain prescription or lowering their food bill." To Mr. Feldstein, I say that you should not have to choose between being able to afford electricity and being able to afford food and prescription drugs. To Congress and this legislature, I say, we need to explore alternative energy sources.

The Nevada Test Site Development Corporation, with the help of the federal government, has recently let a contract to do work at the Nevada Test Site. They will create up to 265 megawatts of electricity, enough to supply electricity to 250,000 homes. This is one example of what we can do when we work together. Earlier this week, I introduced a bill in Congress to renew the federal wind power production tax, and expand it to cover all renewable technologies. This will help states and businesses develop solutions. This legislature also needs to review deregulation legislation and the actions of the Public Utilities Commission to determine what needs to be done, and with your suggestions, what I can do on a national level, to help.

We need to improve our transportation system all over the State of Nevada. Ten years ago, I held my first transportation summits here in Nevada. These summits were successful for many reasons—not the least of which was—because this legislature provided counties with ways to raise revenue to build the infrastructure to sustain the growth of the last ten years. Today, a decade later, we see we need to do more.

This summer I will have a new summit—to explore ways that government in Nevada, in conjunction with Congress and Nevada business leaders, can accommodate the 75,000 to 85,000 new people who arrive every year, with a system of transportation that will preserve our unique beauty, protect our air, our water, our neighborhoods, and our sense of community. Good fortune has put me in a position in the Senate—as ranking member of the Public Works Committee, the Transportation Appropriations Subcommittee, and my role as Assistant Leader—to help address Nevada's problems at the federal level. I accept this obligation and I ask you to help me have a successful term.

Our challenge today is to ensure that all parts of Nevada—from Ely to Elko, from Las Vegas to Lake Tahoe, from Sparks to Searchlight, from Reno to Rhyolite—remain the kind of places that engage not only our minds and bodies, but touch our hearts and souls. We need to ensure that Nevada remains the kind of place where people come not only to visit, but to live, work, and raise their families—because Nevada is our home.

I began today speaking about Searchlight, because it is like so many towns and cities in Nevada and America—one can see and feel significant change. We must plan for the future—for change will come. Las Vegas will change. Reno will change. Winnemucca will change. Fallon, Yerington, Ely, and Elko—all will evolve. I call Searchlight home. I call Nevada home.

We all care, or we wouldn't be here. Let's work together. Let's plan together. Let's legislate together. Because Nevada is our home.

Senator Titus moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able and constructive message.

Seconded by Assemblyman Collins.
Motion carried unanimously.

The Committee on Escort escorted Senator Reid to the bar of the Assembly.

Senator Washington moved that the Joint Session be dissolved.
Seconded by Assemblyman Beers.
Motion carried.

Joint Session dissolved at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.
Mr. Speaker presiding.
Quorum present.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 1.
The following Senate amendment was read:
Amendment No. 1

Amend the resolution, pages 8 and 9, by deleting lines 43 through 48 on page 8 and lines 1 through 7 on page 9 and inserting:

“2. The redistricting committees will not consider a plan in which the Legislature subordinates traditional districting principles to racial considerations and makes race the dominant and controlling rationale in drawing district lines. For the purposes of this subsection, “traditional districting principles” are those traditional redistricting principles that have been judicially recognized and include compactness of districts, contiguity of districts, preservation of political subdivisions, preservation of communities of interest, preservation of cores of prior districts, protection of incumbents and compliance with section 2 of the Voting Rights Act, 42 U.S.C. § 1973 (2).”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 1.
Remarks by Assemblywoman Giunchigliani.
Motion carried by a constitutional majority.
Resolution ordered enrolled.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 1 and Senate Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Erwin, Bob Seale and Richard Tiran.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Wendell Newman.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Morton.

On request of Assemblyman Dini the privilege of the floor of the Assembly Chamber for this day was extended to David Fulstone and David Fulstone II.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Towles.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Brooke Kaiser.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 12, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday) February 12, 2001

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Buckley, Carpenter and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Richard Campbell.

Eternal and Ever Blessed God, You are known by many names throughout the world. Your goodness, might and power are felt by all Your children. We come before You this day with gratitude in our hearts for Your many blessings to us. We praise You for Your presence here and ask Your blessing upon this Assembly. Their tasks are enormous, give them strength; important, give them wisdom; humane, give them compassion. Grant them Your blessing and also bless our state and our nation now and in the future. We pray in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Koivisto, McClain, Carpenter, Humke, Chowning, Anderson, Arberry, Berman, Buckley, Claborn, Collins, de Braga, Dini, Giunchigliani, Lee, Leslie, Manendo, Nolan, Ocegüera, Parks and Smith:

Assembly Bill No. 82—AN ACT relating to crimes; authorizing courts to defer and assess costs and fees for obtaining an order to protect a person from the crime of stalking, aggravated stalking and harassment against the adverse party; requiring the clerk of the court to provide information and assistance related to filing and responding to such an order; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 83—AN ACT relating to vehicles; increasing the authorized weight limit for certain vehicles used for public mass transportation if the department of transportation determines that the vehicles are capable of being operated safely to provide public mass transportation; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 84—AN ACT relating to conservation districts; revising the period for filling a vacancy in the office of supervisor of a district; revising the powers of a district and the supervisors thereof; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Mortenson, Perkins, Cegavske, Price, Parks, Berman, Chowning, Claborn, de Braga, Manendo, Smith and Von Tobel; Senators Rawson and Shaffer:

Assembly Bill No. 85—AN ACT making an appropriation to The MacDonald Center for the Arts and Humanities, Inc., for the design and fabrication of exhibits for a mobile museum of ancient history and archeology that will travel to schools throughout the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 86—AN ACT relating to highways; prohibiting the director of the department of transportation from retaining a portion of the contract price of, or requiring the furnishing of any bond in connection with, certain contracts awarded to railroad companies; providing an exception; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 87—AN ACT relating to revenue bonds for industrial development; requiring that certain information, statements and records submitted by an obligor for the issuance of such bonds be kept confidential at the request of the obligor; providing that the director of the department of

business and industry, the state board of finance and the governing bodies of certain counties and cities are not liable for damages caused by the unintentional, accidental or negligent disclosure of such information, statements and records; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gustavson, Collins, Bache, Price, Angle, Beers, Berman, Brower, Carpenter, Cegavske, de Braga, Dini, Gibbons, Giunchigliani, Hettrick, Humke, Lee, Manendo, Marvel, Mortenson, Tiffany and Von Tobel; Senators O'Connell, Amodei, James, McGinness, Rhoads, Shaffer and Washington:

Assembly Bill No. 88—AN ACT relating to motorcycles; limiting the requirement for protective headgear for drivers and passengers; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 89—AN ACT relating to state employees; authorizing collective bargaining for certain state employees; creating a board for labor relations for state employees; providing for bargaining units and for their representation; establishing procedures for collective bargaining and for making, revising and amending collective bargaining agreements; prohibiting certain unfair labor practices; authorizing the superintendent of the state printing division of the department of administration to make certain labor agreements; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 90—AN ACT relating to state personnel; eliminating the limitation on the amount of unused sick leave that an employee in the public service is entitled to carry forward from year to year; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 91—AN ACT relating to the public utilities commission of Nevada; authorizing a fee for the filing of complaints by utilities and other entities regulated by the commission; prohibiting the

assessment of such fees on other persons; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 92—AN ACT relating to counties; authorizing a county to exercise additional powers under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 93—AN ACT relating to the City of North Las Vegas; authorizing the city council to appoint certain professional corporations, partnerships or limited-liability companies to perform the duties of the city attorney; requiring each attorney employed by or associated with such a corporation, partnership or limited-liability company to be a member of the State Bar of Nevada under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 94—AN ACT relating to local governments; increasing the amount of certain fees certain officials of local governments are authorized to charge and collect; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 95—AN ACT relating to state personnel; establishing a uniform probationary period for certain state employees; revising provisions regarding the annual report on a permanent employee's performance; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 96—AN ACT relating to the financial administration of local governments; authorizing additional types of investments by certain

local governments; revising the authority of county treasurers to deposit county money in time accounts; revising the requirements for annual accountings by tax receivers to county auditors; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 97—AN ACT relating to water; authorizing a board of county commissioners or the governing body of an incorporated city to include in certain ordinances a provision that authorizes certain persons or governmental entities to make the prohibition against the wasteful use of water a condition of providing water service or to assess and collect a monetary penalty from customers or users under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 98—AN ACT relating to county government; requiring a board of county commissioners to fix the terms of office of the chairman and vice chairman of the board of county commissioners; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 99—AN ACT relating to local governments; revising the dates on which certain special elections may be held; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 100—AN ACT relating to county government; authorizing a board of county commissioners to provide by ordinance for compensation of members of an advisory board; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 101—AN ACT relating to cities; requiring the inclusion of certain portions of county roads, state highways and railroads in territory annexed by cities in larger counties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 102—AN ACT relating to historic districts; revising the qualifications for membership on the Comstock historic district commission; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 103—AN ACT relating to the judiciary; increasing the fee charged by a justice of the peace and municipal court judge for performing a marriage; imposing a fee to be charged by a justice of the peace and municipal court judge for renewing a civil judgment; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 104—AN ACT relating to general improvement districts; establishing an exception to the provision which creates a lien on property to which services from certain general improvement districts are provided until fees are paid for such services; prohibiting the board of trustees of certain general improvement districts from requiring a guaranty from a landlord for the payment of services provided to a tenant; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 105—AN ACT relating to crimes; prohibiting possession of components for constructing an explosive or incendiary device with the intent to manufacture such a device; providing an enhanced penalty for possession, manufacture or disposal of an explosive or incendiary device in certain public places with the intent to destroy life or property; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 106—AN ACT relating to criminal judgments; increasing the amount that may be imposed by a court for a collection fee; authorizing certain governmental entities to recover the actual cost of using a collection agency to recover a delinquent fine, administrative assessment, fee or restitution; making various other changes concerning the collection of delinquent fines, administrative assessments, fees and restitution; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 107—AN ACT relating to crimes; clarifying that a person convicted of a battery that constitutes domestic violence within 7 years before or after the principal offense has committed a prior offense for the purposes of determining a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 108—AN ACT relating to county clerks; making various changes concerning the duties of county clerks with respect to grand juries; making various other changes concerning the duties of county clerks with respect to making certain reports; revising the amount of certain fees that are paid and collected by county clerks; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 109—AN ACT relating to courts; increasing the number of district judges in the eighth judicial district; increasing the number of those district judges who must be judges of the family court; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 110—AN ACT relating to juries; revising the provisions governing the summoning of jurors by a justice's court in certain counties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 111—AN ACT relating to older persons; authorizing a law enforcement agency to inspect certain records while investigating allegations of senior abuse under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 112—AN ACT relating to criminal records; permitting law enforcement agencies to review certain criminal records to determine the suitability of an applicant for employment as a peace officer; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, de Braga, Carpenter, Collins, Dini, Beers, Berman, Buckley, Claborn, Gibbons, Hettrick, Lee, Manendo, Marvel, McClain, Neighbors, Nolan, Smith and Von Tobel:

Assembly Bill No. 113—AN ACT relating to motor vehicles; providing for the issuance of special license plates for the support of rodeos, including support for the programs and activities of the Reno Rodeo Foundation and Nevada High School Rodeo Association or their successors; imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 114—AN ACT making an appropriation to Lander County for the design and construction of the Battle Mountain Industrial Park; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 115—AN ACT relating to the state department of agriculture; abolishing the apiary inspection account; creating the plant industry account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 116—AN ACT making an appropriation to the City of Las Vegas for grants to support educational and recreational programs for children after the regularly scheduled school days and on weekends; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Goldwater, Beers, Buckley, Carpenter, Collins, Hettrick, Manendo, Marvel and Parks:

Assembly Bill No. 117—AN ACT relating to administrative procedure affecting businesses; authorizing the Nevada tax commission to adopt regulations interpreting the provisions regarding rules adopted by local governments that affect businesses; requiring the Nevada tax commission to advise officers of local governments regarding such provisions; revising the definition of “rule”; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1.

REMARKS FROM THE FLOOR

Assemblyman Price requested that the following remarks be entered in the Journal:

ASSEMBLYMAN NOLAN:

At the very least...we should recognize this man, Ronald Reagan, as an American citizen who has lived nearly a century and whose 90th birthday was February 6, 2001;

At the very least...We should recognize this man as a senior citizen who has succumbed to a broken hip, an injury which afflicts and incapacitates our nation's parents and grandparents on an “hourly” basis, but even as he was in excruciating pain, had the presence of mind to be lighthearted with the paramedics treating him;

At the very least...We should recognize this man as a brilliant, talented person who has a lifetime of extraordinary experiences and accomplishments and probably will not be able to, in the autumn of his life, remember or reflect upon these, let alone recognize the people who love

him and who are closest to him because he suffers from Alzheimer's...a disease which undoubtedly affects or will affect someone we love;

At the very least...We should recognize this man as a person who, in the course of human history, has achieved what only a few amongst millions of people have achieved—becoming the leader of the greatest nation on the earth;

At the very least...We should recognize this man as the 40th President of the United States of America—being elected by three fifths of the nation's voters, winning the electoral votes of 49 states—a record that shows bipartisan popularity that has not been surpassed either before or since;

At the very least...We should recognize this man as the one person who catalyzed the elimination of the immediate threat of nuclear holocaust to the world by communicating face-to-face with a communist ruler, Mikhail Gorbachev, in a way only he could, and by standing in front of the very icon for human rights indignation and deprivation and demanding to that same dictator, "Mr. Gorbachev, tear down this wall!" And down it came;

At the very least...We should recognize this man as a cancer survivor, being diagnosed not only once but twice with colon cancer and then prostate cancer and being among those few who survive these terrible diseases;

At the very least...We should recognize this man as a man who made good on his God given ability to naturally express himself and make others laugh, by providing others enjoyment through lost mediums like "the squawk box," "the tube," "the silver screen," and even the endangered species "the stage"—a gift, which later earned him worldwide and historic recognition as the "Great Communicator."

At the very least...We should recognize this man as a person who, like so many of our citizens, was the victim of violence, being gunned down on a public street, a bullet puncturing a lung and lodging within an inch of his heart. But even as dozens scurried to save his life, he had the uncommon ability to make light of the gravity of the moment by looking at the chief surgeon and saying, "Please tell me you're a Republican."

At the very least...We should recognize this man as a husband to a wonderful and talented woman in her own right to who, even in the contemplation of worldwide disasters, wars and other overwhelming daily events, took the time to write romantic poetry, send flowers and publicly praise;

At the very least...We should recognize this man as a little boy, who once only wanted to grow up to be a cowboy; and

At the very least, We should recognize this man, Ronald Reagan, as a human being born to this earth with all the same human frailties and imperfections as are all of God's children, but when he leaves this place he will leave it the same way he himself would ask of any of his fellow human beings, and that is to leave the world a better place than when he arrived.

ASSEMBLYMAN BROWER:

I remind this body that this is the birthday of our 16th president, Abraham Lincoln, who watches over this chamber every day. I thought I would share with the body a brief quote from the speech Abraham Lincoln made in 1860, which I think is appropriate to our efforts here. President Lincoln said, "Let us have the faith that right makes might, and in that faith let us to the end dare to do our duty, as we understand it."

ASSEMBLYWOMAN GIBBONS:

President Lincoln was very studious of the law though he did not go to law school; however, he did pass the bar exam for Illinois because they required someone to be of good character. I thought this was an interesting note to share with this body.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini the privilege of the floor of the Assembly Chamber for this day was extended to Brian Bradley and Crystal Smith.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Latimer.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Collins, Tom Collins III, Sara Collins and Emma Collins.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Charles M. Whitmer, Donny Frey, Kati Robertson, Jessica McKay, Brian Santistevan, Joe Buffington, Andrea Paris and Norman Frey.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Glen Schroder.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Cegavske.

Assemblyman Parks moved that the Assembly adjourn until Tuesday, February 13, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:42 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday) February, 13, 2001

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Richard Campbell.

Most Gracious God, We humbly pray to You for the people of this nation in general and the citizens of Nevada in particular. Be gracious to us all this day. Especially bless this Assembly as it deliberates on our behalf. May its actions be to Your glory and to the safety, honor and welfare of the people. May their work this day be upon the best and surest of foundations; that peace, happiness, truth and justice may be established among us. Accept now our thanksgiving for Your presence in our lives. We pray in Your Glorious Name.

AMEN.

Presentation of the Colors by Explorer Post 2105, Douglas County Sheriff's Department.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Parnell, Humke, Anderson, Berman, Buckley, Chowning, de Braga, Freeman, Gibbons, Giunchigliani, Koivisto, Manendo, McClain and Smith:

Assembly Bill No. 118—AN ACT making an appropriation to the University and Community College System of Nevada to provide assistance to university students who are single parents with low incomes; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Neighbors and Tiffany; Senator McGinness:

Assembly Bill No. 119—AN ACT making an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources for the restoration of the historic Belmont Court House; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 120—AN ACT relating to state financial administration; revising the provisions governing the distribution of federal money received by this state from the lease of federal lands; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Leslie, Parks, Parnell, Anderson, Gibbons, Buckley, de Braga, Freeman, Giunchigliani, Koivisto, Manendo, McClain, Smith and Williams:

Assembly Bill No. 121—AN ACT making an appropriation to the Bureau of Alcohol and Drug Abuse of the Department of Human Resources for support of community-based substance abuse prevention programs; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that that the action whereby Assembly Bill No. 120 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 120 be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Anderson, Berman, Chowning, Collins, Gibbons, Giunchigliani, Humke, Koivisto, Lee, Manendo, Ocegüera, Parks and Smith:

Assembly Bill No. 122—AN ACT relating to state employees; requiring payment for all accrued unused sick leave of a state employee under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen de Braga, Chowning, Freeman, Gibbons, Anderson, Berman, Claborn, Collins, Giunchigliani, Koivisto, Lee, Manendo, Mortenson, Ocegüera, Parks, Parnell and Smith:

Assembly Bill No. 123—AN ACT relating to health insurance; requiring health insurers to provide certain information concerning payment for health care services to an insured or provider of health care upon request; requiring health insurers to reimburse certain specialists with whom they do not have a contract for health care services provided to certain insureds; requiring the board of the public employees' benefits program to comply with certain provisions concerning health insurance applicable to other insurers with regard to health insurance it provides through a plan of self-insurance; requiring the board to notify certain persons of a proposed change in the premium charged for or coverage of health insurance provided by the public employees' benefits program; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Manendo, Williams, Chowning, Price, Claborn, Anderson, Berman, Buckley, Collins, de Braga, Freeman, Gibbons, Goldwater, Koivisto, Leslie, McClain, Mortenson, Nolan, Parks, Smith and Tiffany:

Assembly Bill No. 124—AN ACT relating to the transportation of pupils; requiring the boards of trustees of certain school districts to provide transportation for elementary school pupils who reside a certain distance from school; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Manendo, Anderson, Price, Williams, Chowning, Angle, Berman, Brower, Carpenter, Cegavske, Claborn, de Braga, Freeman, Gibbons, Gustavson, Koivisto, Leslie, McClain, Neighbors, Ocegüera, Parks, Parnell and Von Tobel:

Assembly Bill No. 125—AN ACT relating to crimes; prohibiting a business from employing, using or allowing a person who is less than 21 years of age to distribute promotional materials that include an offer for alcoholic beverages; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Bache, Gibbons, Beers, Berman, Buckley, Claborn, Collins, de Braga, Dini, Giunchigliani, Koivisto, Lee, Leslie, Manendo, McClain, Neighbors, Nolan, Smith and Von Tobel:

Assembly Bill No. 126—AN ACT relating to county recorders; prohibiting the recording of certain documents relating to real property that do not contain a legal description of the property and certain related information; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Von Tobel, Cegavske, Collins, Gustavson, Hettrick, Nolan and Tiffany; Senator Porter (by request):

Assembly Bill No. 127—AN ACT relating to education; authorizing school districts and charter schools to provide programs of distance education for pupils at risk of dropping out of high school; providing for the submission of applications to the state board of education to provide programs of distance education; requiring the state board of education to adopt regulations prescribing the requirements of programs of distance education; revising provisions governing the apportionments of money from the state distributive school account to provide for the payment of money for pupils who are enrolled in programs of distance education; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 128—AN ACT relating to public agencies; providing that an interlocal contract must be approved by the attorney general before it takes effect if an agency of this state is a party to the contract; providing that certain leases of offices for state officers and employees must be approved by the attorney general before they take effect; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 9.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:40 a.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Bannister, Terry Bannister, Kevin Carter, Chris Carter, Alex Dickman, Butch Dickman, Kevin Jones, David Jones, Michell Jones, Jay Jones, Zachary Mason, Brett Mason, Travis Mitchell, Nic Nichols, Chris Rice, Chris Sullivan, Steve White, Gary Wyckoff, Fred Davidsen, Andrew Deacy, Camron Grishott, Mathew Henz, Travis Jarland, Carol Jarland, David Jarland, Gene Cushing, Edith Cushing, Chri Temen, John Alexander, Rick Ashby, James Francis, John Helgersen, Brian Johnson, Jake Kenneston, Aaron Kenneston, Kevin Marshall, T.J. Patterson, Johnathan Prichard, Paul Shanrock, Carmen Shanrock, John Christensen, Neils Christensen, Matthew Berggren, B.J. Bradley, Nick Brothers, Nick Cooper, David Ehni, Robert Ehni, Stephen Gall, Michael Gallagher, Andrew Hill, A.J. James, Aaron Jolcover, Kyle Jones, Bill Keating, Neal Keyes, Mike Moore, Dave Moore, Josh Rubin, Duke Sanders, Gene Sitts, Alex Updegrove, Aaron Virgo, Sheila Arnaud, Roger Arnaud, Eric Arnaud, Cathy Lewis, Jack Cholin, Jeff Lambin, Kyle Neddenriep, Matthew Roberts, Adam Wennhold, Marcus Wittig, Gary Wittig, Josh Keeney, Willy Taylor, Brandon Mireau, Brandon Tolete, Nathaniel Janca, David Armstrong, Jason Guidotte, Andy Sensibaugh, Greg Schoepke, Carol Keeney, Sherri Russell, Martha Janca, and Elizabeth Janca; Lincoln Park Elementary School: Deanna Amaya, Stephen Burton, Michael Chavez, Alexandra Choate, Sasha Dimas, Kristi Erwin, German Garcia, Ruben Gaytan, Ryan Harrison, Jessica Harry, Ray Hernandez, Gregory Miguel, Estella Moran, Brittney Price, Ricardo Ramirez, Amanda Rivas, Juan Rivas, Juan Tapia, Jasmyne Tibulski, Adriana Villapando, Donnie Whittle, Richard Wolff, Brandon Badal, Giovanni Becerra, Luz-Alejandra Casillas, Katherine Castaneda, Alyson Edgington, Keshun Freeman, Iryna Gomez, Samantha Kirtley, C.J. Knable, Shu Ya Ma, Roxana Marquez, James Mick, Keisha Mitchell, Rhonda Navarro, Nicole Papez, Manny Posada, Claudio Reza, Carmen Rivas, Beto Rodriquez, Stacy Roldan, Kyle Stratton, Wesley Underwood and Everett Wenzel.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Cushing.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to James Durham.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Holler.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Darrell C. Calton.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Chad Hirsch.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jamie Baughn.

On request of Assemblywoman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Neely.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Guilfoyle and Tom Collins III.

On request of Assemblyman Dini the privilege of the floor of the Assembly Chamber for this day was extended to Chris Lewis.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Gibbons.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Keating.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Pierini, Jennie Hill, Nancee Goldwater, Mike Goldwater, Stephanie Boomhower, Steve Botelho, Derrick Kepler, Matt Stellato, Jim Welch, Matt Williams, T.J. Trakas and Andrew Deag.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Kenneston.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Zachary Copoulos.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Russell.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Padilla.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Scarbrough.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Hall.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Melia.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Shane Richardson.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Chris White.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Hansen.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Fischer, Ken Kruze and Kendele Leascher, Ande Engleman, Dane Wilt, Darwin Paustian, Gabriel Quiroz, Gene Greenberg, Harry Williams, Hayim Mizrahi, Kirk Anderson, Lamar Marchese, Lillian McMorris, Marty Ozer, Mike Ginsburg, Natalie Trujillo, Paul Gardner, Rick Schneider, Robert Fisher, Steve Schorr, Suzanne Burger, Tom Axtell, Tom Chavez and Tom Bonnici and Lawson Fox.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Nate Janning.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Mell.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Rudi.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to David Mathews.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Kutz.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 14, 2001 at 11:00 a.m. at.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday) February 14, 2001

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Richard Campbell.

Almighty God, in whom we live, move and have our very being; we come to You this day to acknowledge that the earth and all who dwell within it are precious in Your sight. Take away our selfish pride and bring to our minds Your goodness, so that living together, as Your children, we may enjoy Your gifts and be thankful. We thank You for mountains, fields and woodlands; for oceans and running streams; for villages and cities where Your children live, work and play; and for Your presence with us in all our endeavors. Grant this legislative body insight into Your wisdom today so that their actions may be to Your honor and glory.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510-2805

February 13, 2001

SENATOR BILL RAGGIO, ASSEMBLYMAN RICHARD PERKINS, Nevada State Legislature

401 South Carson Street, Legislative Building, Carson City, Nevada 89701-4747

DEAR SENATOR RAGGIO AND ASSEMBLYMAN PERKINS:

I respectfully request that you allow me the privilege of addressing a joint session of the Nevada State Legislature on Tuesday, February 20, 2001, from 5:15 p.m. until 5:45 p.m.

Sincerely,
JOHN ENSIGN
United States Senator

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Cegavske, Giunchigliani, Hettrick, Carpenter, Gibbons, Anderson, Arberry, Bache, Berman, Brower, Brown, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Goldwater, Gustavson, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Titus, Rawson, Wiener, Porter, Washington, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rhoads, Schneider, Shaffer and Townsend:

Assembly Joint Resolution No. 1—Urging the President and the Congress of the United States to increase federal funding for special education to the level authorized by the Individuals with Disabilities Education Act.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Education.

Motion carried.

By Assemblymen Cegavske, Tiffany, Giunchigliani, Chowning, de Braga, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Claborn, Collins, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Von Tobel and Williams; Senators Titus, Rawson, Wiener, Porter, Washington, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rhoads, Schneider, Shaffer and Townsend:

Assembly Concurrent Resolution No. 2—Urging support for the Women's Health Care Platform: Campaign 2000 initiated by the Women in Government Task Force.

Assemblywoman Cegavske moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Carpenter:

Assembly Concurrent Resolution No. 3—Directing the Legislative Commission to conduct an interim study concerning misdemeanors.

Assemblyman Carpenter moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Cegavske, Anderson, Berman, Brown, Buckley, Claborn, Goldwater, Gustavson, Hettrick, Humke, Manendo, Parnell, Smith and Von Tobel; Senators Carlton and Shaffer:

Assembly Bill No. 129—AN ACT relating to providers of health services; limiting the fees which a provider of health services may collect from a

hospital patient if the hospital has contracted with the patient's insurer for a rate of payment or reimbursement for these services; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Cegavske, Anderson, Berman, Brown, Claborn, Goldwater, Hettrick, Humke, Smith and Von Tobel; Senator Shaffer:

Assembly Bill No. 130—AN ACT relating to educational personnel; requiring the boards of trustees of school districts to offer certain contracts of employment to probationary administrators and principals who are not reemployed in those capacities as postprobationary employees; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen McClain, Parks, Bache, Price, Williams, Anderson, Arberry, Buckley, Chowning, Claborn, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, Neighbors, Nolan, Ocegüera, Parnell, Perkins and Smith; Senators Care and Titus:

Assembly Bill No. 131—AN ACT relating to local governments; authorizing the governing body of a city or county to adopt ordinances for the preservation of neighborhoods; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Dini (by request):

Assembly Bill No. 132—AN ACT relating to hazardous materials; authorizing a person to possess, use, manufacture, purchase, install, transport or sell chlorofluorocarbons; providing that the possession, use, manufacture, purchase, installation, transportation or sale of chlorofluorocarbons does not subject a person or governmental entity to any type of punitive action; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 133—AN ACT relating to real property; creating a rebuttable presumption concerning construction performed in substantial compliance with applicable building codes; requiring a claimant to provide notice of a claim to parties with an interest of record in certain real property;

authorizing a contractor or subcontractor to repair certain constructional defects in complex matters; requiring an affidavit in support of an action for professional negligence against a design professional; revising various provisions governing claims against a contractor for constructional defects; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dini and Perkins:

Assembly Bill No. 134—AN ACT relating to insurance; revising the calculation of the assessment that is imposed by the commissioner of insurance upon insurers to pay for the program to investigate certain violations and fraudulent acts of insurers; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Concurrent Committees on Commerce and Labor and Ways and Means.

Motion carried.

By Assemblymen Dini and Perkins:

Assembly Bill No. 135—AN ACT relating to insurance; making various changes to the provisions governing the investigation and prosecution of insurance fraud; providing that an insurer and certain other organizations and persons shall be deemed to be victims in cases involving insurance fraud for purposes of restitution; requiring the establishment of a fraud control unit for insurance within the office of the attorney general; defining the duties of the fraud control unit; authorizing the fraud control unit to issue subpoenas to obtain documents relating to an investigation of insurance fraud; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Concurrent Committees on Commerce and Labor and Ways and Means.

Motion carried.

By Assemblymen Gustavson, Humke, Claborn, Collins, Lee and Mortenson; Senators O'Connell, Amodei, McGinness and Townsend:

Assembly Bill No. 136—AN ACT relating to motor vehicles; requiring the issuance and display of one license plate for a motor vehicle; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 137—AN ACT relating to taxation; providing an exception to the statutory limitation on the total ad valorem tax levy; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 138—AN ACT relating to public employees; clarifying the formula for determining the amount payable by the State of Nevada toward the cost of insurance for certain retired employees; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Perkins, Manendo, Parks, Williams, Tiffany, Anderson, Arberry, Bache, Beers, Berman, Brower, Buckley, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Gibbons, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegueda, Parnell, Price, Smith and Von Tobel:

Assembly Bill No. 139—AN ACT making an appropriation to Clark County for the support of the Nevada Partnership for Homeless Youth; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 9 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Bache.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Williams, Arberry and Chowning:

Assembly Bill No. 140—AN ACT relating to motor vehicles; requiring the department of motor vehicles and public safety to provide certain services through the Internet; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Williams:

Assembly Bill No. 141—AN ACT relating to foster children; imposing liability on the state for certain damages caused by foster children; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Collin Alldredge, Nicholas Allen, Ian Babcock, Bryan Bach, Jenny Bailey, Justin Barba, Mike Baumann, Melissa Beairsto, Ben Becerra, Thomas Biondi, Richard Blakey, Colleen Brown, Roger Bruce, Lara Burgarello, Jamie Byrne, Silvia Cabrera, Cabrina Calvanese, Nicole Carroll, Lindsay Carter, Britanny Cassingham, Alyson Christiansen, Josh Coddling, Melinda Codega, Heather Cross, Brandon Crum, Bryan Daane, Jordan Davis, Anthony Delacruz, Eric Deweerd, Casey Dillon, Heather Dillon, Graham Dollarhide, Danielle Dorsey, Jack Douglass, Chris Drossullis, Rachael Dulcey, Jennifer Elston, Kyle Endres, Jeff Epperson, Amanda Evans, Chris Farley, Taelor Feinberg, Mike Ferris, Megan Frette, Jessica Funston, Matt Gallagher, Willy Gehlen, Mayanne Getts, Sara Ginocchio, Jessica Griffin, Joelle Gutman, Brian Hagen, Michelle Hancock, Zack Hanks, Daniel Hansen, Bridget Harris, Matt Heyer, Chris Ibaibarriaga, Jeremy Jaureguito, Kendra Jepson, Jennifer Johansson, Anthony Jones, Philip Karam, Jacob Keese, Kim Krichbaum, Erin Lockwood, Matt Mathisen, Brett Maupin, Ian McEwen, Matt McGraw, Matt Menicucci, Austin Miller, Daniel Mooney, Bethanne Mullen, Heather Naut, Alicia Nehrkorn, Frank O'Gorman, Matt Olivero, Chris Pacheco, Michael Paine, Jeremy Pilzner, Matt Polak, Charisse Puckett, Thomas Pugh, Jesse Rinehart, Jesus Ruiz, Hayley Sawyer, Nichol Seymour, Rachel Seymour, Jeff Shackelton, Camille Sotero, Andrew Stieb, Megan Sullivan, Aundrea Taylor-Caldwell, Nicole Theodoulou, Elizabeth Thompson, John Toll, Brad Trader, Annie Tran, John Trevino, Dawn Vandam, Krystle Vergara, Gwen Washington, Adam Weiss, Samantha Welsh, Nathan Wendel, Kimberly Whitney, Scott Wideman, Ashleigh Williams, Joshua Wooley, and Denton Gehr.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Hazel Talbutt, Chris Lewis, Dave Lewis and Cathy Lewis.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Neal.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Shaw, Paige Shaw, Bruce Mulder, Byron Waite, Carole Thompson, Christi Mosher-Faught, Collen Campbell, Darlene Landis, Darrell Dion, John McCall, Julie Shoush, Karen Brumhall, Kathy Halbardier, Kathy Lauritsen, Linda Wilson, Lynn Janssen, Maria Pearson, Mark Wright, Michele Wagner, Mike Coleman, Carol Coleman, Mike Matuska, Mike Riley, Mimi Moss, Nick Pchelkin, Norma Villasenor, Pat Gayman, Sherry Botelho, Steve Lewis, Steve Theriault and Tammy James.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to John Hickey.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 15, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday) February 15, 2001

Assembly called to order at 11:14 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblymen Arberry, Berman, Buckley, Goldwater, Ohrenschall and Perkins, who were excused.

Prayer by the Chaplain, Reverend Richard Campbell.

Almighty and Eternal God, it is with thanksgiving that we enter Your presence this morning. Accept our prayer and hear our petitions. You are infinite in wisdom: grant us insight. Unfailing in love: grant us charity toward others. Willing to listen: let us speak wisely. Help this Assembly to deliberate wisely, to keep the needs of the people central in their thoughts and the welfare of the nation in their concerns. We pray for all those who need Your help in special ways: those who are ill, those who are refugees, the poor, the hungry, the distressed. O God, You know their needs better than we do. Grant Your blessing. Especially we pray for these, Your servants, as they meet today to do the work of the people. May Your Name be glorified this day.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 32, 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Perkins, Gibbons, Berman, Von Tobel, Manendo, Anderson, Angle, Arberry, Bache, Beers, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Smith, Tiffany and Williams; Senators Raggio, Porter, Washington, Rawson, Townsend, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Rhoads, Schneider, Shaffer, Titus and Wiener:

Assembly Joint Resolution No. 2—Urging Congress to refrain from enacting any measure to repeal ability of Nevada to license and regulate sports wagering in its current form.

Assemblyman Parks moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 3—Proposing to amend the Constitution of the State of Nevada to revise provisions governing the right to vote.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 2 of the Constitution of the State of Nevada be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided*, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no ~~idiot or insane~~ person *who has been adjudicated mentally incompetent, unless restored to legal capacity*, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

Assemblyman Parks moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assemblyman Parks moved that the action whereby Assembly Joint Resolution No. 2 was referred to the Committee on Elections, Procedures, and Ethics be rescinded.

Motion carried.

Assemblyman Parks moved that Assembly Joint Resolution No. 2 be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 4—Providing for the appointment of additional attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Jamie D. Schocko and Cheryl A. O'Day are elected as additional attachés of the Assembly for the 71st session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 142—AN ACT relating to educational personnel; requiring the superintendent of public instruction, in certain circumstances, to waive the passing scores otherwise required on examinations for the initial licensure of teachers and other educational personnel; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 143—AN ACT making an appropriation to the University and Community College System of Nevada for the construction of a community college in Pahrump; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 144—AN ACT relating to elections; changing the dates during which a person who wishes to be a candidate for a judicial office must file his declaration of candidacy; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblyman Brower; Senator Jacobsen:

Assembly Bill No. 145—AN ACT relating to the program for millennium scholarships; expanding the program to provide for the disbursement of scholarships to students of certain additional colleges and universities in this state; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Ocegüera, Anderson, Buckley, Perkins, Arberry, Bache, Brown, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Gibbons, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Nolan, Parks, Price, Smith and Williams:

Assembly Bill No. 146—AN ACT making an appropriation to the University of Nevada, Las Vegas, for the establishment and operation of a center for the analysis of crime statistics within the Department of Criminal Justice at the University of Nevada, Las Vegas; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Brower, Carpenter, Collins, Freeman, Gustavson and Parks; Senator Wiener:

Assembly Bill No. 147—AN ACT making an appropriation to the Department of Education for certain nonprofit public broadcasting stations that primarily serve educational, informational and cultural needs of communities in Nevada; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Brower:

Assembly Bill No. 148—AN ACT relating to the judicial department; revising provisions to allow stays of court proceedings if a legislator was hired as an attorney before the start of a legislative session regardless of whether the legislator was hired before the action was commenced; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 149—AN ACT relating to apprenticeships; authorizing the state apprenticeship council to deny an application for approval or to

suspend, terminate, cancel, place conditions upon or place on probation an approved program of apprenticeship based upon certain findings by the labor commissioner or the division of industrial relations of the department of business and industry; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 150—AN ACT relating to industrial insurance; establishing a deemed wage for certain trainees for the purpose of industrial insurance; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 151—AN ACT relating to trade practices; requiring the attorney general to provide opinions for the consumer affairs division of the department of business and industry concerning certain questions relating to solicitation by telephone; requiring the commissioner of consumer affairs to make certain determinations concerning such solicitation; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 152—AN ACT relating to deceptive trade practices; authorizing a court to award reasonable attorney's fees and costs in certain actions relating to those practices; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 153—AN ACT relating to real estate; clarifying that an appraiser who completes a statement of visual condition that is required for a federally insured home loan is acting within the scope of his practice as an appraiser and is not subject to the provisions governing inspectors of structures; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 154—AN ACT relating to business practices; requiring the certificate that a person who conducts business in this state under an assumed or fictitious name is required to file with the county clerk to be notarized; providing for the renewal of such a certificate; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 155—AN ACT relating to public works; revising the provisions governing the substitution of a subcontractor who is named in a bid for a public work or improvement; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 156—AN ACT relating to public works; increasing the monetary limitation on the cost of public works projects used to determine the application of certain requirements concerning the payment of the prevailing rate of wages; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 157—AN ACT relating to consumer reports; prohibiting reporting agencies from imposing a charge to provide consumer reports and related information under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 158—AN ACT relating to taxation; increasing the mandatory tax on the rental of transient lodging; providing for the use of the additional revenue for artistic and cultural programs; creating the account for artistic and cultural programs; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Price:

Assembly Bill No. 159—AN ACT relating to crimes; requiring gaming establishments to designate smoking and nonsmoking areas for each eating and gaming area; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 160—AN ACT relating to insurance; clarifying that a sole proprietor is not required to obtain industrial insurance or coverage for occupational diseases before performing work under a contract with the state or a political subdivision of the state or a metropolitan police department under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Parks, de Braga, Koivisto, Price, Bache, Anderson, Chowning, Collins, Giunchigliani, Lee, Leslie, Manendo, McClain, Neighbors, Nolan, Tiffany and Williams:

Assembly Bill No. 161—AN ACT relating to elections; extending the hours that polls are open for voting; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Brown, Ocegura, Cegavske, Angle, Bache, Brower, Carpenter, Lee, Marvel, Mortenson and Von Tobel; Senators Rawson, Porter and O'Connell:

Assembly Bill No. 162—AN ACT relating to crimes against property; revising the provisions governing actions which constitute theft to include the theft of parts, products or other items related to certain services and to include theft of gasoline or other fuel or automotive products; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Freeman, Anderson, Gibbons, Humke, Leslie and Smith:
Assembly Bill No. 163—AN ACT relating to regional planning; authorizing a governing board for regional planning to enter certain cooperative and interlocal agreements; authorizing a governing board for regional planning and a regional planning commission jointly or separately to appoint subcommittees and advisory committees; authorizing a governing board for regional planning and a regional planning commission jointly or separately to appoint advisory committees to assist in the formulation and implementation of the comprehensive regional plan; authorizing a governing board for regional planning and a regional planning commission jointly or separately to appoint advisory committees for regional issues; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hettrick, Cegavske, Nolan, de Braga, Gibbons, Anderson, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Chowning, Claborn, Collins, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Ocegvera, Parks, Parnell, Perkins, Price and Von Tobel; Senators O'Connell, Raggio, Washington, Rawson, Porter, Amodei, Care, Coffin, Jacobsen, Mathews, McGinness, O'Donnell, Rhoads, Schneider and Townsend:

Assembly Bill No. 164—AN ACT relating to initiatives; revising the requirements for obtaining and removing signatures on a petition for initiative or referendum; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Brower and Freeman (by request):

Assembly Bill No. 165—AN ACT relating to state emblems; declaring "Silver State Fanfare" as the official state march of the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Manendo, Anderson, Claborn, Gibbons, Buckley, Freeman, Koivisto, Lee, McClain, Mortenson, Parks, Price, Smith and Williams:

Assembly Bill No. 166—AN ACT relating to driving under the influence of alcohol or a controlled substance; reducing the concentration of alcohol

that may be present in the blood or breath of a person while operating a vehicle or vessel; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Manendo, Buckley, Bache, McClain, Williams, Anderson, Berman, Carpenter, Claborn, Collins, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Neighbors, Nolan, Ocegüera, Parks, Parnell, Price and Smith:

Assembly Bill No. 167—AN ACT relating to domestic relations; requiring certain judicial districts to adopt rules establishing an educational seminar for separating parents who are parties in domestic relations matters involving children; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Angle, Price, Brown, Buckley, Gibbons, Gustavson, Humke, Lee, Manendo, Neighbors, Smith and Von Tobel:

Assembly Bill No. 168—AN ACT relating to crimes; prohibiting smoking in all public areas of a store principally devoted to the sale of food for human consumption off the premises of the store; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Angle, Brown, Carpenter, Claborn, Collins, Gustavson, Hettrick, Humke, Lee, Manendo, Price and Von Tobel:

Assembly Bill No. 169—AN ACT relating to public health; requiring information regarding the scientifically reported link between an induced abortion and an increased rate of breast cancer to be provided to each woman considering an abortion; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 170—AN ACT making an appropriation to the City of Las Vegas for funding of the activities of the California-Nevada Super Speed Ground Transportation Commission; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Chowning, Parks, Dini, Freeman, Cegavske, Anderson, Beers, Brower, Claborn, Collins, de Braga, Gibbons, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Nolan, Ocegüera, Parnell, Price, Smith, Von Tobel and Williams:

Assembly Bill No. 171—AN ACT relating to motor vehicles; requiring that a statement of charges be presented to a person requesting the repair of a motor vehicle; removing certain exemptions from the provisions governing garages and garagemen; providing under certain circumstances for the waiver of the registration fee to operate a garage; providing under certain circumstances for the revocation of a certificate of registration to operate a garage; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Angle, Berman, Carpenter, Claborn, Gustavson, Humke, Lee, Marvel, Mortenson, Tiffany and Von Tobel:

Assembly Bill No. 172—AN ACT relating to the state militia; eliminating certain qualifications for appointment to the office of adjutant general or assistant adjutant general; providing that civilian state employees of the office of the military must be directly supervised by certain persons; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Concurrent Resolution No. 4—Encouraging the purchase of local agricultural products.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 24.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Nolan, Chowning, de Braga, Freeman, Dini, Anderson, Angle, Arberry, Bache, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Claborn, Giunchigliani, Hettrick, Koivisto, Leslie, Manendo, Marvel, Ocegüera, Parks, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Bill No. 173—AN ACT relating to emergency medical services; expanding the circumstances under which treatment may be withheld from a patient in a terminal condition who wishes not to be resuscitated in the event of cardiac or respiratory arrest; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Nolan:

Assembly Bill No. 174—AN ACT relating to juvenile courts; establishing a program of visitation to the office of the county coroner; authorizing a juvenile court to order a child who is adjudicated delinquent to participate in a program of visitation; making appropriations; and providing other matters properly relating thereto.

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

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Michael J. Franzoia.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Bushey and Andy Hettrick.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia L. Glickman.

Assemblyman Parks moved that the Assembly adjourn until Friday, February 16, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday) February 16, 2001

Assembly called to order at 11:10 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblymen Arberry, Berman, Carpenter, Collins, Nolan, Ohrenschall and Perkins, who were excused.

Prayer by the Chaplain, Reverend Richard Campbell.

Almighty and most gracious God, it is to You that we look for every good and perfect gift. It is to You that we direct our thanksgiving this day. We give thanks for a night of rest and the beauty of a new day. Be present with us and guide us. Make us aware of the needs of the people and grant us wisdom, compassion and love to serve them in our actions. Bless this legislative body, give them strength and courage to do Your will. I would like to take a few moments for individual silent prayer over the news this morning of our bombing Iraq. Most gracious God, we ask Your blessing upon our nation, on the individuals that have been called upon to serve in a special way this day. We pray that You will keep them safe, that You will guide the decisions that are made regarding this entire event and the issues surrounding it. We pray in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 15, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 175—AN ACT relating to highways; requiring the board of directors of the department of transportation to relinquish portions of certain state highways to a county or city under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Bache moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 17.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 32.

Bill read second time and ordered to third reading.

Assembly Bill No. 33.

Bill read second time and ordered to third reading.

Assembly Bill No. 78.

Bill read second time and ordered to third reading.

Assembly Bill No. 98.

Bill read second time and ordered to third reading.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 24 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Lewis.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Staff Sergeant Alan Gilly and Lance Corporal Corey Kaldenbach.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Hendrick.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Lund, Mark Horton, Toni Maresjo, David Colborn, J.D. Hagan, Janet Dunlap, Gloria Wilcox, Kathy Shively, Skip Leedy, Sal Garza, James Dunlap, Spencer Gear, Melissa Hamon, Alyson Powell, Geoff Reck, Emily Scott, Logan Volpicelli, Dulce Agramon-Espinoza, Billy Burns, Sarah Colborn, Heather Hagan, Josh James, Nancy King, Jared Pearce, Raied Selim, Caroline Stott, Ciera Barlow, Manny Barrientos, Logan Barton, Kelsey Bender, Megan Benson, Wes Carraway, Katelyn Cartwright, Craig Jenkins, Erik Kiger, Danny Lark, Tim Leedy, Zenon Martinez, Allana Noyes, Jessica Panelli, Kayla Smith, Taylor Vail, Courtney Vigo, Jordan Wright, Oscar Leal and Tess Chalker.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Walsh.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Krueger.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Rice.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Strong.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Elanora Newsome.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Roblin.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Harjo.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Alexandra Rae Kula and Ashley Lynn Kula.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 19, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTHTEENTH DAY

CARSON CITY (Monday), February 19, 2001

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

Our great and kind God, we acknowledge that You govern in the affairs of men. If a sparrow cannot fall without Your notice, how can we think that You are indifferent to what we say and do here? If on this day You want us to do, or not to do, any particular thing, we pray that You will make it plain to us, for You know how blind we can be, and how stubborn in our own intentions. We pray for Your help in our thinking and Your love in our hearts. We pray in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Judiciary, to which was referred Assembly Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Concurrent Resolution No. 5—Directing the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact.

Assemblywoman de Braga moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 176—AN ACT relating to public lands; revising provisions relating to the authority of the state land registrar to make grants

and enter into certain agreements to carry out certain programs in the Lake Tahoe Basin; authorizing local governments to enter into certain agreements for the use of grant money received from such programs; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 177—AN ACT relating to the Lake Tahoe Basin; authorizing the issuance of general obligation bonds to carry out the Environmental Improvement Program; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 178—AN ACT relating to tort actions; changing the limitation on damages that may be awarded in tort actions against certain governmental entities and their officers or employees; providing in skeleton form for the creation of a special fund to provide additional compensation to victims of such torts who suffer certain injuries; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 179—AN ACT relating to cities; expanding the authority of the governing body of an incorporated city to annex certain territory; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 180—AN ACT relating to judges; amending the charter of the City of Henderson to make various changes concerning municipal judges; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 181—AN ACT relating to local government; revising the membership of the county fair and recreation board in certain less populous counties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 182—AN ACT relating to land use planning; expanding the subjects that must be included within a master plan in certain counties; limiting the number of annual amendments to the land use plan of the master plan in certain circumstances; revising provisions governing applications for changes in the boundaries of zoning districts, variances and special use permits with regard to property located within an unincorporated town; requiring members of a town advisory board to receive certain training; authorizing the election of members of a town advisory board in additional counties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 183—AN ACT making an appropriation to the legislative fund for the reproduction of older volumes of Nevada Reports and Statutes of Nevada; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 184—AN ACT relating to education; making an appropriation to the Clark County School District for the creation of a pilot program to extend the school day of selected middle schools; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 185—AN ACT making an appropriation to Lander County for the support of the Battle Mountain Flood Control Project; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 186—AN ACT making an appropriation for the support of the clinical law program at the William S. Boyd School of Law in Las Vegas; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 187—AN ACT making an appropriation to the legislative fund for additional equipment and software for information systems for the Legislative Counsel Bureau and the Nevada Legislature; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 188—AN ACT relating to education; making appropriations to the Clark County School District for the expansion of programs to provide distance education and for the related conversion to digital television; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 189—AN ACT making an appropriation to the legislative fund for certain maintenance and rehabilitation projects on the legislative building; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 2.

Amend sec. 13, page 5, by deleting lines 18 through 42 and inserting:

“Sec. 2.060 Meetings: Special ~~[-]~~ and emergency.

1. *In addition to its regularly scheduled meetings, the city council may hold special and emergency meetings. Special and emergency meetings may be held on call of the mayor or by a majority of the ~~board of supervisors, by giving a minimum of 6 hours' written notice of such special meeting to each~~*

~~member of the board of supervisors prior to the meeting. A special meeting may be held without notice with the unanimous written consent of the board of supervisors.] city council in a manner that complies with the provisions of chapter 241 of NRS.~~

2. At a special meeting:

(a) ~~[No contract involving the expenditure of money may be made or claim allowed unless notice of the meeting called to consider such action is published in a newspaper of general circulation within the city at least 1 day before such meeting.~~

~~(b) No business may be transacted except such as has been stated in the call of the meeting . [or in the written consent to the holding of such meeting without notice.~~

~~(c) (b) No ordinance may be passed except an emergency ordinance . [or one specified in section 7.020.]”.~~

Amend sec. 61, page 21, by deleting lines 4 through 21 and inserting:

“Sec. 7.020 Borrowing money.

1. Subject to the limitations imposed by this article, the city may , ~~[borrow money]~~ for any corporate purpose, including , without limitation , any purpose expressly authorized by this charter or by Nevada Revised Statutes for a city ~~[, and for such purpose may issue] :~~

(a) Borrow money; and

(b) Issue bonds or other securities. The Local Government Securities Law, as amended from time to time, applies to all securities so issued, except for securities issued ~~[under]~~ pursuant to section 6.020.

2. Any property tax levied to pay the principal of or interest on such indebtedness must be levied upon all taxable property within the city as provided in NRS 350.590 to 350.602, inclusive.

~~[3. Any ordinance pertaining to the sale or issuance of bonds or other securities, including, without limitations, securities issued under section 6.020, may be adopted in the same manner as is provided for cases of emergency. A declaration by the board of supervisors in any ordinance that it is of this kind is conclusive in the absence of fraud or gross abuse of discretion.]”.~~

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 3.

Amend section 1, page 1, by deleting lines 12 through 14 and inserting:

“3. *Except as otherwise provided in subsection 3 of section 4.010 of this charter, the term of office of a municipal judge is 6 years.*”.

Amend the title of the bill, first and second lines, by deleting:

“to authorize the city council”.

Amend the summary of the bill, first line, by deleting:

“to authorize city council”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 62.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 24:

YEAS—40

NAYS—None.

EXCUSED—Carpenter, Ohrenschall—2.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Assembly Bill No. 32:

YEAS—40

NAYS—None

EXCUSED—Carpenter, Ohrenschall—2.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 33:

YEAS—40

NAYS—None

EXCUSED—Carpenter, Ohrenschall—2.

Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 78.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 78:

YEAS—40

NAYS—None

EXCUSED—Carpenter, Ohrenschall—2.

Assembly Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 98:

YEAS—40

NAYS—None.

EXCUSED—Carpenter, Ohrenschall—2.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Arberry and Williams:

Assembly Bill No. 190—AN ACT making an appropriation to the Clark County Public Education Foundation for the support and enhancement of public education in Clark County; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 191—AN ACT making an appropriation to Nevada Partners, Inc., for the support of the Youth/Adolescent Re-Entry Recidivism Diversion Program at the Summit View Youth Correctional Center; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 192—AN ACT relating to barbering; authorizing a person who owns, manages, operates or controls a barber school to charge for barbering services provided to a member of the general public by a student of the barber school; revising the number of instructors required to be on the premises of a barber school; limiting the period of employment of a student

of a barber school; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Arberry and Williams:

Assembly Bill No. 193—AN ACT making an appropriation to the Office of Diversity Initiatives of the University of Nevada, Las Vegas, for the support of a pilot program to increase the number of economically disadvantaged persons who complete 4-year college degrees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Arberry, Giunchigliani and Williams:

Assembly Bill No. 194—AN ACT relating to unlawful employment practices; reducing the minimum number of employees that an employer must have to be subject to the provisions prohibiting unlawful employment practices; extending the period of limitation for bringing certain actions in district court; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Shari Farlegs.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Chessie Siepenkothen and Richard Gomez.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Jydstrup.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Jydstrup and Jay Jydstrup.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Keenan, Ashley Keenan, Suzi Vonarx, Nick Vonarx, Leanne Vonarx and Don Vonarx.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Black.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, February 20, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:36 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 20, 2001

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

O God of Truth, who alone can lead men into the truth that is freedom and joy. We ask that You be our teacher as we seek to find the way of life in times that bewilder and challenge. Teach us better to know ourselves, that, knowing our weaknesses, we may be on guard. Teach us better to understand other people, that we may view their shortcomings with charity, their virtues with appreciation, and their kindness to us with gratitude. Be with the women and men of this chamber in all things great and small, so that small things become great and great things become possible. These things we ask in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Dini; Senator Amodei:

Assembly Concurrent Resolution No. 6—Urging the Department of Transportation to place the construction of State Route 567 and the connecting Interstate 80 Interchange on the Department's report of projects for construction and maintenance of highways.

Assemblyman Dini moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 195—AN ACT relating to aging persons; authorizing the Nevada silver haired legislative forum to operate independently of the

aging services division of the department of human resources; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 196—AN ACT relating to public welfare; prohibiting the department of human resources from considering the assets of a child or pregnant woman or the family of the child or pregnant woman to determine eligibility for the child health assurance program unless such consideration is required by federal law; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Leslie, Bache, Parks, de Braga, Gibbons, Brower, Buckley, Chowning, Freeman, Giunchigliani, Humke, Koivisto, Manendo, McClain, Parnell, Smith and Williams:

Assembly Bill No. 197—AN ACT relating to electric services; requiring electric utilities and alternative sellers to disclose to customers certain information concerning electric services and any products and services relating thereto; setting forth the types of information that must be disclosed by the electric utilities and alternative sellers; requiring the public utilities commission of Nevada to adopt regulations; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 198—AN ACT relating to air pollution; revising the provisions relating to expenditures from the pollution control account for purposes relating to air quality; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 199—AN ACT relating to wildlife; increasing the amount of certain accounts maintained by the division of wildlife of the state department of conservation and natural resources; authorizing the board of wildlife commissioners to adopt regulations governing the issuance of duplicates of certain licenses; authorizing the board of wildlife

commissioners to establish the fee for a state trout stamp and creating a separate account for deposit of the proceeds of the fee; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 200—AN ACT relating to public water systems; expanding the grounds for the imposition of civil penalties and administrative fines to enforce certain provisions governing public water systems; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Smith, Gibbons, Parnell, Leslie, Chowning, Bache, Berman, Brown, Cegavske, Claborn, Collins, de Braga, Giunchigliani, Humke, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Oceguela and Williams:

Assembly Bill No. 201—AN ACT relating to education; requiring the state board of education and the board of trustees of each school district to adopt policies encouraging effective involvement by parents and families in support of their children and the education of their children; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Bache, Giunchigliani, Perkins, Williams, Berman, Anderson, Buckley, de Braga, Lee, Leslie, Manendo, Mortenson, Parks, Tiffany and Von Tobel; Senators O'Connell, Wiener, Titus, Schneider and Shaffer:

Assembly Bill No. 202—AN ACT relating to metropolitan police departments; revising provisions relating to withdrawal from or dissolution of a department; requiring the approval of the voters for withdrawal from or dissolution of a department; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 203—AN ACT relating to manufactured housing; limiting the claims for which payments must be made from the account for education and recovery relating to manufactured housing; requiring certain

signatures that are written upon a certificate of ownership of a manufactured home, mobile home or commercial coach to be notarized; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 204—AN ACT relating to trade practices; providing that the failure to comply with certain requirements regarding the acceptance of an application for credit relating to a retail installment transaction is a deceptive trade practice; authorizing the rescission of such a transaction for failing to comply with those requirements; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Gibbons, Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Parks and Smith; Senators Neal and Shaffer:

Assembly Bill No. 205—AN ACT relating to the state board of equalization; requiring the state board of equalization to meet at certain times; requiring the replacement of a member of the board under certain circumstances; requiring the governor to appoint an alternate for certain members of the board; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 206—AN ACT relating to insurance; establishing a temporary moratorium on the enactment of mandated benefits for health insurance; creating the legislative committee to review mandated benefits for health insurance; prospectively repealing all existing mandated benefits for health insurance; prospectively requiring the health insurance provided by the state and local governments to comply with all mandated benefits for health insurance applicable to health insurance policies regulated by the commissioner of insurance; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 11:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 22:

YEAS—40.

NAYS—Anderson.

EXCUSED—Ohrenschall.

Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblymen Anderson and Brower.

Conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 62:

YEAS—40.

NAYS—None.

EXCUSED—Ohrenschall.

NOT VOTING—Brower.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Arberry, Dini, Anderson, Gibbons, Angle, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Bill No. 207—AN ACT relating to motor vehicles; imposing certain restrictions and requirements upon the transfer, registration and titling of vehicles that have sustained certain damages; requiring certain notices and disclosures regarding such vehicles; prohibiting the operation of certain damaged vehicles in this state; imposing civil liability and providing penalties for certain violations relating thereto; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 20, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 12.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblymen Leslie, Anderson, Von Tobel and Collins.

Resolution adopted unanimously.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 5:12 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Claborn, de Braga, Von Tobel, Anderson, Angle, Arberry, Beers, Brown, Carpenter, Cegavske, Chowning, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, Mortenson, Neighbors, Nolan, Oceguela, Parks, Parnell, Perkins, Price, Smith, Tiffany and Williams; Senators O'Connell, Rawson, Amodei, Neal, Coffin, Jacobsen, Mathews, McGinness, O'Donnell, Raggio, Rhoads, Schneider, Shaffer and Washington:

Assembly Bill No. 208—AN ACT relating to animals; prohibiting an agency, board, commission or political subdivision of this state or an agency, board, commission or governing body of a local government in this state from imposing certain requirements or restrictions concerning the treatment

of animals or from regulating certain events in a manner that causes the event to be economically infeasible to conduct; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Goldwater and Leslie as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator John Ensign.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:21 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Coffin, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except for Assemblymen Humke and Ohrenschall, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator James and Assemblywoman Cegavske to wait upon Senator Ensign and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable John Ensign, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Ensign and invited him to deliver his message.

United States Senator John Ensign delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA SEVENTY-FIRST SESSION, 2001

Good evening and thank you, Mr. Speaker, Governor, Lieutenant. Governor, Mr. Majority Leader and other distinguished leaders:

I would be remiss if I did not say hello to Senator McGinness. The Senator's son, Ryan, works for me back in Washington, D.C. I am very fortunate because I have many Nevadans working for me; I am especially happy, Senator, to have your son; he is doing a great job.

I was reminded again today as I drove down from Reno how much Nevada has changed, and how much Nevadans have not. As a teenager living in northern Nevada, I made that drive many

times. Slide Mountain and Washoe Lake look a little different from Highway 395 than they did from Old Washoe Valley Road, but the Nevadans having breakfast at Heidi's or a late lunch at Adele's haven't changed much at all. They are still talking about family weekends and Nevada values.

I am proud to speak to you today as a fourth generation Nevadan, as well as the 24th person elected from this state to serve in the United States Senate. I would like to acknowledge the man I replaced, a gifted leader in the Nevada Legislature, the state house and in the U.S. Senate, Dick Bryan. I will endeavor to serve Nevada as honorably as he did.

I have been in the Senate for a little more than a month. The first time I walked on the Senate floor, I felt—I suspect—much like many of you when you entered this hall for the first time after you were elected – exhilarated, yet humbled. I felt a sense of intense obligation and responsibility to my state, and to my nation.

It is this responsibility we share, federal and state legislators alike, which necessitates our working together first as Nevadans, above political party, above legislative body, above special interests. My message today is simple.

First, I want you to know that I am working for you in Washington, D.C. I need your input and ideas to be an effective leader for Nevada. My door is always open to those of you with issues and concerns.

Secondly, bipartisanship may be the cliché in Washington D.C., but I intend to work with people of all political persuasions to find and advance solutions to Nevada's and our country's challenges. An example of that bipartisanship can be found in the relationship Senator Harry Reid and I have developed. It started from the moment I was elected to office. We met and made a commitment to keep the lines of communication open and to work together. We talk on the phone several times a week and often have face-to-face meetings to discuss issues. The effort to work together extends to our staffs as well. Once a week Harry and I join our staffs for an informal breakfast to welcome Nevadans to Washington D.C. The gathering also gives us a chance to meet our constituents and listen to their concerns.

I have learned nurturing one-on-one relationships are a key to success in politics. I have spent the first few weeks in Washington D.C. meeting individually with members of the Senate. I do this because you can't expect someone to vote with you or support your issues if they do not know who you are or what you stand for.

During the campaign I promised to be a strong voice while fighting for issues Nevadans care about most—issues like making our schools the best in the nation—and our nation's schools the best in the world; making health care more affordable and accessible. I will fight to pass a National Patient Bill of Rights providing our seniors, throughout the country and here at home, with prescription drugs.

With the Nevada delegation I reaffirm my commitment to keep deadly nuclear waste out of our state.

President Bush has made education a top priority for the country and Governor Guinn has deemed it a top priority for our state. For me education is not only my top priority, it is my passion. Education has also become an economic issue. For our young people to compete in a global economy, they must have a great education.

Earlier today I met with a group of children and parents at Mendive Middle School. I was there to help honor more than 300 students for achieving excellence in citizenship. I applauded the students, their parents and their teachers for making character development as an important part of education.

I know that leaders of both parties in this hall share education as a top priority. Our teachers should be paid more, but also be held accountable. And one of the most important things we must do for education is to allow our teachers and administrators to put discipline back in the classroom. In addition, for the first time, we must fully fund the federal share of special education.

Within a few weeks, the U.S. Senate will debate and vote on the Bush Education Plan, which incorporates these principals. During this debate I will fight to change the federal formula the government uses to disperse money to the states so Nevada students receive their fair share. In addition, this funding must come back to Nevada with drastically fewer federal mandates. Years ago, Kenny Guinn signed my high school diploma. I trust Kenny, the Nevada Legislature, and

local school districts to have the needed flexibility to spend this money in ways that best help our children.

As an example, I want to allow federal dollars to complement programs like the Governor Guinn's initiative to ensure elementary students are reading at grade level by the end of the third grade. This mirrors the reading goals set by the President Bush's education plan. I also believe we need to make Head Start an early reading program instead of a daycare program.

When I talk about accountability, I want to be very clear that this debate will not rise or fall on vouchers. President Bush's plan does include vouchers. It works by allowing parents to control Title I funding if schools fail them three years in a row.

Recently I met with a group of Nevada educators in Washington D.C. We had a frank discussion about school vouchers. Some told me they are not in favor of voucher programs. I, in turn, challenged them – come up with a better system that accomplishes these two things: hold the school accountable for the failure to educate our children and come up with a plan that actually helps the students that fail.

Our state's motto is "Battle Born." In addition, we face an uphill "battle" in Washington D.C. in our fight against nuclear waste and in our effort to ban legal college sports betting, a move that would hurt our state's economy. We in the Congress, State Legislature, and Nevadans as a whole are facing legislative fights that are tantamount to the biblical battle between David and Goliath.

Working closely with our senior Senator, Harry Reid, I will continue to take our fight to every senator and directly to the new administration. As we say, there's a new sheriff in town in Washington, D.C. who will certainly impact these Nevada issues.

During the presidential campaign then-Governor Bush made certain promises. We intend to hold the Bush Administration to those promises. The good news is it appears the temporary nuclear waste dump is dead and that's great for Nevada. Now we must give 31 other states an alternative to storing their nuclear waste at Yucca Mountain.

Last week funding for new nuclear waste recycling technology, known as transmutation, was kicked off with a \$34 million grant at one of our national labs in New Mexico. This is good, but it's only a start.

For the first time ever, our Governor—in a bipartisan spirit—is committing substantial resources to educating other states on the dangers of nuclear waste. This \$5 million investment together with local and private funds will assist our efforts in Washington D.C. to educate communities across the country. The battle on nuclear waste is a battle we cannot afford to lose.

Another threat to our state is the effort to ban legal sports betting. Last week our Congressional Delegation introduced legislation to combat illegal sports betting. Our bill attacks the problem instead of just being a cosmetic fix. It gives money and personnel to the Justice Department to fight organized crime and illegal sports betting. It also holds colleges and universities accountable for educating students on the problems of illegal gambling. Let's keep legal sports gambling legal, well-regulated, and go after the real problem—illegal sports betting.

I have the honor of serving on several committees crucial to Nevada interests in the Senate: Commerce, Banking, the Special Committee on Aging, and the Small Business Committee. The Commerce Committee, and in particular, the Subcommittee on Aviation is an important position as we try to get more flights into Nevada. Our country needs several new airports. These new airports can provide for new direct flights into Nevada. From the Banking Committee's jurisdiction on mass transit, I'll be working to help ensure the funding for the monorail in southern Nevada that is so desperately needed.

I will also continue my focus on health issues. Medicare is especially important to us because of Nevada's aging population. Today many seniors are forced to choose between buying their next meal or prescription medication. No one should have to make that choice. I am proud that while Congress was gridlocked, Nevada acted as one and led the nation in trying to solve the problem. I have worked closely with the Governor's Office and will work to ensure whatever we do at the federal level fits well with what you have already done. I fully expect a bill adding a prescription drug benefit to Medicare will be signed into law this year.

I can remember when places like Fernley and Pahrump were truly considered part of rural Nevada. Now they are becoming bedroom communities for Reno and Las Vegas. With these changes, issues such as transportation funding, air quality, and school construction become more

important to more Nevadans. We must not forget, however, that throughout rural Nevada communities are losing ground and losing jobs. The mining industry is defending itself from onerous regulations and the shrinking of the tax base is crushing rural schools.

Education, nuclear waste alternatives, prescription drug coverage for our seniors, the NCAA betting ban, and protecting our unique environment, are issues upon which we can come together. We must also remember we all have a responsibility to listen and fight for our fellow Nevadans—we can't afford to get lost in the shuffle of self-interest. Now is the time to focus and work together for our children, our parents, and our fellow Nevadans.

Thank you for your time. God Bless Nevada and God Bless America.

Senator Rawson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Ensign for his timely, able and constructive message.

Seconded by Assemblywoman Smith.

Motion carried unanimously.

The Committee on Escort escorted Senator Ensign to the bar of the Assembly.

Senator O'Connell moved that the Joint Session be dissolved.

Seconded by Assemblywoman Tiffany.

Motion carried.

Joint Session dissolved at 5:42 p.m.

ASSEMBLY IN SESSION

At 5:43 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Di Tomasso.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Evdokimo.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Phil Stout and Courtney Kollasch.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Juseth Giron.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Cash A. Minor.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Peyton.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Sicily Ruiz.

On request of Assemblyman Dini the privilege of the floor of the Assembly Chamber for this day was extended to Mary Skau.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Shenequa Johnson.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Danica Marks.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sela Tuifua Tuamoheloa and Kalo Tasini Lavaka.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Skyler Zulian.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Kayla Squire.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Cooke, Fe'Lisha Goodlow, Ashley Evdo Kimo, Corey Phillips, Chelsea Williamson, Megan Biasi, Leanne Howard, Brittany Trimble, Jennifer Foote, Megan Franke, Maghen Sambrano, Ashley Miller, Jessica Ullisiet, Taylor Turner, Brittany Green, Monique Donnelly, Amber Burroughs, Lauren Mejia, Hilda Perez, Kaylee Lamon, Ashley Robbins, Elyse Sambrano, Virginia Thomason, Samanta Aquil, Jessica Sherbourne, Amy Hendrickson, Gloria Doherty, Gbrianna Tuipulotu, Victoria Vo, Maricella Valtierra, Mellisa Valtierra, Allie Wotring, Vivian Luong, Ashlie Wotring, Sarah Petri, Barbara Castellanos, Ashley Henry, Sicily Ruiz, April Davis, Samie Derheim, Kelsey Gregory, Cassie Auble, Taylor Snider, Jackie Rusk, Melissa Hampton, Annie Trent, Kirsten Fisher, Kali Auckly, Lauren Fant, Amanda Moss, Emily Durr, Megan Johnson, Vanessa Henrickson, Lupe Pahulu, Wuliana Parada, Ana Puloka, Sandra Salas, LeeBernadette Garcia, Carina Lopez, Maria Garcia, Kayela Flores, Mary Anne Solaegui, Rashonda McAlister, Kim Border, Lauren Carter, Alyssa Patiga, Ashley Patiga, Abbay Fox, Ashley Hines, Janelle Toledo, Raelyn Peel, Kaneisha Jones, Kathryn Ding, Claudia Melendrez, Nevit Bill, Michelle Gonzalez, Nadine Lewis, Deshonna Willingham, Lauren Rolley, Rachel Farichild, Danielle Hembree, Dana Pennington, Sheila James, Wendy Doutre, Jessica Welch, Kimberly Maldonado, Erica Maldonado, Brittany Moore, Sara Johnson, Ashly Keefer Jessica Houft, McKenzie Kelly, Alicia Kraft, Jenny Burrows, Caitlyn Bailey, Cassandra Bowman, Rosella Nunez, Catherine Brekken, Nicole Scott, Jennifer Koenig, Brianne Nalder, Jolie Kizer, Natalie Arneson, Christin Cottrell, Stacie Hoogestraat, Kileen Vandervort, Katelyn Davis,

Ashley Miller, Sheena Bonaldi, Loni Booth, Allison Dillard, Rena Bautista, Yajaira Torres, Melissa Reidlinger, Dinahrie Gutual, Renee Opitz, Jenny Rosales, Liz Agee, Rachel Hadley, Kristian Payton, Felicia Brooks, Cheyenne Gierhart, Liz Mercurio, Jenna Winshing, Caitlin White, Kaylan King, Daryan Glenn, Alicia Affinito, Kristen Gilbert, Ashley English, Erin Warner, Lindsay Johnston and Kaneisha Jones.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Angelina Del Rosario.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Lily Higgins.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Bernadette Maaka.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Brooke Richardson.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Drakulich.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Allonna James.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Becky Wallace.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Puhl.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Kelleher and Leiana Oswald.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 21, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:44 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 21, 2001

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

Almighty God, creator of all things, giver of every good and perfect gift, hear us this day as we seek Your blessing upon our goings on in this room and in this building. Hear us when we pray for Your servants gathered here today that their hope may be renewed and their vision made clear and challenged. Give to them the conviction that with Your help all things are possible—even the most difficult things that baffle us now. God forbid that any of us here should add to the problems of the hour, but rather resolve, by Your help, to become part of the answer. So help us God.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 4—Commending the State of California and the California Tahoe Conservancy for their efforts to secure money for and establish a coordinated team at the state level to carry out the Environmental Improvement Program in the Lake Tahoe Basin.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Parnell, Leslie, Smith, Gibbons, Williams, Anderson, Arberry, Bache, Berman, Buckley, Chowning, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Manendo, McClain, Neighbors, Parks and Perkins:

Assembly Bill No. 209—AN ACT making an appropriation to the Welfare Division of the Department of Human Resources to increase temporarily the population which is eligible to qualify for assistance from the Low-Income Home Energy Assistance Program; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 210—AN ACT relating to airports; increasing the authorized term for the lease of county property for use as an airport, airport facility or airport service; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 128.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 107:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 5:05 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Giunchigliani and Brown as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jim Gibbons.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:12 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Coffin, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except for Assemblywoman Ohrenschall, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator McGinness and Assemblywoman Gibbons to wait upon Representative Gibbons and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Jim Gibbons, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker welcomed Representative Gibbons and invited him to deliver his message.

United States Representative Jim Gibbons delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FIRST SESSION, 2001

Thank you very much. Governor Guinn, Speaker Perkins, Lieutenant Governor Hunt, Senate Leaders Raggio and Titus and Assembly Leaders Buckley and Hettrick and Speaker Emeritus Dini; and my good friend Bernie Anderson, of course. I get to call him Bernie because he and I grew up in Sparks together two blocks apart. Members of the Legislature, Supreme Court Justices, Constitutional Officers and my fellow Nevadans:

I'm truly honored to be here this evening to speak to you, especially since I know the hour is late and you have all had a very long day. I want to also thank you for arranging a vehicle and a driver for me, to ensure that I made it to the State Capitol today. I must say, the vehicle and driver arrived at my door very promptly, right on time. But we were a little delayed in getting

here. You see, the gas tank was empty. And so was the wallet of the driver. Now, don't get me wrong, please, I'm not talking about Bill Raggio, but the driver made a demand I pay the tab. I recall the words specifically, "It is either my way or the highway, Congressman." So I paid promptly. And yes, I got the message. We do need to do something about those high fuel costs.

So, thank you, Dawn, for driving me to the Capitol today. It is always a momentous event. And I want to thank you also for leading me into the Chambers with my good friend Senator McGinness to make sure that I'm here to talk to your esteemed colleagues.

To all of you who serve our great state, I want to say thank you. Thank you for your commitment that you continue to show your constituents, that you show our state, you show your friends, and you show your families.

Having just entered my third term in the House of Representatives, I would like to take this opportunity to address what is on the national agenda and how it will affect Nevada. Let me also say that our bi-partisan delegation is firmly committed to finding new and creative ways to target the war on any nuclear waste legislation that targets Nevada. We are also fighting against federal efforts to regulate and ban portions of our gaming industry as well as protecting Nevada's important mining industry from being regulated out of business, out of the state, and out of existence. Clearly, our small delegation has its work cut out for it, but as I look out on this chamber this evening, I cannot think of more dedicated individuals to work with than you in solving these issues. When it comes to the many, yet unseen, challenges that Nevada faces, working together is an extreme pleasure. Challenges we all face—challenges like reapportionment and redistricting that are necessary for all of us to give the citizens of this great state fair and responsive representation. Challenges of the ongoing energy crisis and finding solutions to protect the rate payers of this state from a crisis like that in California. I have every faith that you will do everything in your power to protect the residential customer and the utility industry.

Nationally, Congress has its own challenges on a broad basis and on a broad scale. Last year, Nevada implemented a program to offer affordable drug prescriptions to our seniors: Senior Rx. I know you will continue to improve upon it, but now Congress must follow Nevada's lead and do it on a national basis. We must look at the future of our retirement programs, as well, ensuring for our working families that they have a viable retirement program. Today we have a workforce whose jobs are at stake because the downward national trends in our economy and who, as recent polls would indicate, are becoming less and less optimistic that a viable Social Security system will even be there for them when they retire. These are challenges. Challenges which neither you nor I can afford to ignore.

Our nation and indeed our state's greatest challenge and highest priority is, and always will be, education. Friends, in my previous address to this body, I began by talking about education. This evening, I will continue that trend. I will continue to stress that education is first, last and always about our children and not about an organization.

As lawmakers, each new session presents us with a new list of priorities. During the 1999 Legislative Session, Governor Guinn and this body made great education success prioritizing education and passing and creating what is known as the Millennium Scholarship program. I congratulate you. Every child, regardless of economic income, should have the right to a quality education. I would also like to take a moment, at this time, to congratulate Assemblywoman Debbie Smith on her efforts in education. Her legislation which encourages parents to take a more active role in education of their children. Congratulations to you.

Assemblywoman Smith is correct. We need to increase the role of parents in the day to day education of their children. We need parents, teachers, and local school boards to make the decisions about what their children need. Yes, we must increase our investment in education. We need to get those dollars down into the classrooms and the Washington, D.C. mandates out. We must also increase our investment in special education and fully fund the Individuals with Disabilities Education Act (IDEA).

During the four years I have been in Congress, we have increased education spending by nearly ten percent each and every year. We will continue to do so. With that increased investment comes a call for accountability. Accountability that helps us plan and improve our education system and our schools. Now, please, this evening, join with me for a moment and envision an America where all children receive a world-class education; an opportunity to

achieve their dreams in a safe school, in every community. Envision, if you will, an America where the best and brightest teach our children and every child can read by the third grade. Envision an America where every child graduates from high school and every high school graduate has access to a college or university and can go on to higher education. That vision, ladies and gentlemen, our vision, must become a reality for every child.

In order to fulfill that reality—a reality that offers hope and opportunity for every child—we must give schools and teachers greater flexibility to decide what the educational needs are of each child. Then give them the flexibility to apply local solutions to those needs. We must require that our schools offer a few, clear measurable goals—not thirty or forty—focused on basic skills and essential knowledge. It has been said that education is about results, not theories; it is about knowledge, not intentions; it is about children, not institutions. As the great Yogi Berra once said, “If you don’t know where you are going, chances are you will end up someplace else.”

We need to know where we are going with the education of our children. Children must have teachers, schools and programs that not only demand but meet higher standards. For example, I applaud the Washoe County School Board’s recent decision to make the seventh grade honors level math class the norm for all seventh graders. That is a step in the right direction. Local decisions like that will help our children not only be prepared for a college education, but better prepared for the technological world of challenges in the 21st Century. We do not need Washington, D.C. based mandates placed on our local schools. Nevada simply has higher standards. I stand here tonight committed to working with each of you for that Nevada vision becoming a Nevada reality for every Nevada child.

I must applaud each and every one of you in this chamber. You remain actively involved in the education and the prosperity of our children. By working together, we will not let them down, nor will we allow or permit their hopes to fade.

As much as we owe our children the brightest possible future, we also owe our seniors the security of a bright tomorrow. All seniors have earned the right and deserve a secure retirement. Congress and the White House are working together on a plan to secure the retirement of every American by locking away the trust funds intended for Social Security and Medicare. My friends, what may seem like a very sensible idea has actually been an uphill struggle. An uphill fight that we are just now beginning to see major progress on. Factually, it is interesting to note that we have nearly 76 million “baby boomers.” This is one third of the United States population. Seventy six million “baby boomers” of my generation marching towards retirement, creating the greatest demographic challenge that this nation has ever faced. Our government is currently not prepared to meet their needs. If we let rhetoric get in the way, and just do nothing, Medicare could be insolvent in the near future. In just a few years, Social Security could be in the “red.” Clearly, the implications are frightening.

Currently, many seniors rely on Social Security for nearly one-half of their income. Medicare provides a staggering amount of our elderly seniors with basic health insurance coverage. I do not believe either of those facts will change in the near future. The stability of that retirement system is critical to the future of all seniors. That is why this Congress has stopped the 30 year raid on the Social Security Trust Fund.

The concept we used to accomplish that is a “lockbox.” In essence, it is a safety deposit box to ensure no politician dips into our senior’s retirement security. The latest Congressional Budget Office estimate indicates your federal government will accrue a \$5.6 trillion budget surplus over the next ten years. The “lockbox” bill, passed last week by the House of Representatives and sent to the United States Senate, essentially locks away \$2.9 trillion of the surplus coming from Social Security and the Medicare trust funds.

Now Congress must always apply 100 percent of the Social Security and Medicare surpluses to only those retirement programs. The bill will prohibit all future Congresses from ever dipping into or borrowing from your retirement funds. Tampering with the retirement of people who have contributed and worked so hard is just simply unconscionable and unacceptable. I look forward to making the “lockbox” a standard practice in the retirement security of all taxpayers, guaranteeing the retirement of all taxpaying Americans.

While we are securing the future of our seniors, let us not forget to keep our promises that we made to our Veterans. Nevada has one of the fastest growing veteran populations in the nation.

Let each of us take just a moment and pause to consider what we owe every son and daughter who ever served our nation. Consider whatever way they sacrificed to protect our freedoms. My friends, it is simply more than just a new Veteran's home in Boulder City, or a new outpatient clinic in Douglas County. While we are clearly very proud of those wonderful accomplishments, our veterans deserve our greatest and deepest gratitude.

They deserve that gratitude not only on Veterans' Day, but every day. During the last session of Congress, we increased Veterans' health care funding by more than 3 billion dollars, which was the largest increase in veterans health care in recent history. In addition, Congress mandated long-term health care for disabled veterans. We created a pilot program to test "Medicare subvention," where Medicare will reimburse the Veterans Administration for the cost of treating Medicare-eligible veterans. To make sure we could deliver this health care we gave nearly 35,000 VA nurses and other health care professionals a much needed pay raise. In a special outreach program, Congress authorized 240 million dollars in assistance to our homeless veterans. Homeless veterans are a crime and a shame for this nation. No veteran should ever be homeless. I have included this information to show our veterans here in the audience tonight, like Senator Lawrence Jacobsen, that your country cares and appreciates what you have done and continue to do for us and our great nation, that the spirit that made this country great hasn't been extinguished. We will continue to expand on our care of veterans, in keeping with the promises we made to them—for their sacrifice.

Ladies and gentlemen, we must also ensure our nation's military is prepared and ready to meet the challenges ahead. Tonight, I would like to welcome a good friend to this chamber. Captain Dave Rogers, Commanding Officer of the Naval Air Station at Fallon. Captain, we are happy to have you here. All of us appreciate the sacrifices you make every day in the protection of our nation. Over the last several years, our military budget has been dangerously cut. The result has been a lack of military readiness and a diminished ability to defend our national interests both at home and abroad. Our military has been overstretched, overcommitted and with more than 265,000 troops spread across 135 countries around the world you can understand how dangerously thin our military has been stretched. Already this year, our military services have identified a total of nearly 10 billion dollars in additional needs for critical, high priority programs such as personnel, readiness, and modernization. Ten billion dollars just to stop the further decline of our military.

Overarching our national military strength is the daunting fact that the ballistic missile threat to the United States is broader, more mature and evolving more rapidly than even our intelligence community had first thought. This has been highlighted by the recent missile flight tests in North Korea and Iran. Furthermore, recent terrorist attacks on our embassies in Africa, the USS Cole, and several civilian kidnappings show that both civilian and military personnel around the world, as well as our structures and our infrastructure are at a higher risk than ever before. As a nation, we must commit to training, rebuilding, re-equipping, modernizing, and expanding our investment in our training facilities—such as the Naval Air Station in Fallon and Nellis Air Force Base in Las Vegas, the two Ph.D. schools where our military aviators learn to fly and learn to fight. We must continue developing, and eventually deploying, a national missile defense system. We must put the necessary resources into our intelligence community and agencies in order to ensure the safety and security of America, both at home and abroad.

As a corollary to all of this, the security of America rests as much with our ability to provide the mineral and metal resources to fuel our economy as it does with providing our metal and mineral resources in rebuilding and modernizing our military. Nevada's contribution to our nation's economic and military security has been threatened, threatened by extensive land withdrawals which prohibit mineral development and threatened by federal management policies and regulations that prevent exploration and development of existing mining operations. During the past several years, administrative decisions made 2,000 miles away in Washington D.C. have left Nevada's number two industry unable to provide the needs of our growing economy. Rather than federal agencies working with our mining and other public land use interests to develop our national resources in a scientific, environmental, and common sense approach, we get—thousands upon thousands of pages of burdensome rules and regulations designed primarily to kick mining out of Nevada and to prevent any future public activity on our public lands. Indeed,

our mining industry faces an uncertain future in Nevada and all across America. That is difficult news to accept as mining is a very important part of our economy.

The average person consumes 44,000 pounds of mined minerals and metals each year. The products of mining are everywhere in our lives, and are a critical part of every American's quality of life. Even down to the little white filling in an Oreo cookie. The white in that Oreo cookie includes titanium. Without that mined mineral, we would not have Oreo cookies. You know the old saying, "If it isn't grown, it has to be mined." The most extensive federal regulations applicable to mining are known as the 3809 Regulations. Draconian changes to these regulations were promulgated in the 11th hour of the last administration. These, now punitive rules are expected to cost over 3,200 hard-working Nevadans their jobs and negatively impact the State of Nevada's economy by approximately 300 million dollars. If mining in the United States is regulated to the point of extinction, making the United States dependent on foreign-mined minerals and metals, as we currently are dependant on oil and gas supplies, we will have an economic nightmare on our hands. A crisis that will seriously affect not only every person in this room and across America, but will affect our national security as well. I cannot say with more passion and conviction that we must do whatever we can, individually and collectively, to support not only our mining industry, but the mining employees and their families as well.

I know there are members of the legislature here tonight, like Assemblymen Lynn Hettrick, my good friend Roy Neighbors, John Carpenter, John Marvel, Assemblywoman Marcia de Braga, and Senators Dean Rhoads, and Mike McGinness, just to name a few, who know all too well and understand that "mining works for Nevada." As the newly appointed vice-chairman of the Subcommittee on Energy and Mineral Resources, I will continue to support this important industry, as well as the families who are such an important part of our great state. I will work with this administration to develop common sense reforms to this regulatory nightmare so that 3,200 Nevada families never have to bear the burden of a "pink slip."

Folks, there is more to mining than just mining. One of my proudest accomplishments was passing legislation that will build a coalition of groups like the University of Nevada, the Corps of Engineers, private companies and individuals working together to help clean up Nevada's abandoned mines. Proudly, this legislation was backed and supported by industry leaders as well as most environmental and land management groups. Once in place, it will help demonstrate that we can work with, and protect and preserve our environment without excluding the public from our public lands.

There are also concerns in our state about our water resources. Carson City, Fallon, and rural Nevada communities are facing the daunting task of reducing the high levels of dangerous minerals, like arsenic, in their water. I applaud the strong efforts of Assemblywoman Marcia de Braga for her leadership in investigating the tragic incidents in Fallon with childhood leukemia. We applaud you for your hard work. This is an area which I firmly believe the federal government must participate in and it must pony up its share of necessary resources to help our rural communities fund this effort.

This past year, we were finally able, I am proud to say, to deliver on the three year old promise to commit federal funds toward the clean-up and protection of Lake Tahoe. May I say it was about time! As General Lee Butler once said, "The worst mistake is to have the best ladder up against the wrong wall." It was nice to see that after all the letter writing from our delegation, the efforts of the Nevada Legislature, and the contributions of the State of Nevada, the federal government is finally stepping up to help preserve and protect Lake Tahoe.

You know, after 2002, I am going to miss representing 99.8 percent of the State of Nevada. It will take some major adjustments on my part to go from 99.8 percent to—well—probably 89.8 percent. I will try my best to get through it, realizing that many ideas have been floated about as to how the congressional districts should be drawn. I remain adamant that this process must remain open and fair. We must do what is in the best interests of Nevada—and not the sole interest of an individual or individual politician. It has been my experience that representing both urban and rural issues in Nevada doesn't weaken us as a delegation—it makes us stronger. Let me assure you, representing the farmer in Fallon requires the same diligence as obtaining vital and critical transportation funding for Las Vegas. It is the same passion required to help the miner in Eureka that is required to fight for the rancher in Amargosa Valley. The same enthusiasm is required to push for a new elementary school in Incline Village as is required to

provide for a new airport in Clark County. I am also pleased to be joined tonight by Incline Elementary School Principal, Harry Haaser. Principal Haaser was a critical and key component in getting a new school for Incline Village, a school that required the process of congressional legislation. It was a struggle and principal Haaser was an incredible part of that moving force. We look forward to the opening of your new school in the near future; we will be there for that. It has been an honor and privilege for me to represent such a wide variety of interests over the past four years. Whether those interests have been urban or rural, we have put up a tough fight and we have done a lot of good on behalf of all Nevadans.

In closing my remarks this evening, I would like to dedicate this evening to a dear friend, and former colleague who is no longer with us—someone who many of us shared this very chamber with, and who we all came to admire, respect and love—our friend—Jan Evan. Jan Evans could envision an America where all children could receive a world-class education and an opportunity to achieve their dreams in a safe school in every community—an America where every child graduates from high school, and where every high school graduate has access to a college or university education. Jan Evans envisioned an America where all seniors enjoy a secure retirement, and where all seniors have access to affordable, high quality health care—including prescription drug benefits. Jan Evans envisioned a strong America where every person is at peace with themselves, at peace with their neighbors, and—at peace with their God. Jan—we miss you.

Thank you for allowing me to speak to you this evening, and may God bless each and every one of you. Good night.

Senator Townsend moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Gibbons for his timely, able and constructive message.

Seconded by Assemblyman Manendo.

Motion carried unanimously.

The Committee on Escort escorted Representative Gibbons to the bar of the Assembly.

Senator Rhoads moved that the Joint Session be dissolved.

Seconded by Assemblyman de Braga.

Motion carried.

Joint Session dissolved at 5:51 p.m.

ASSEMBLY IN SESSION

At 5:52 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bernard Brady, M.D.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Kaercher, Susan Bithell and Shari Farkas.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Byrne and Jim Beasley.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to David C. Henley.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Gayle M. Anderson.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Paul V. Carelli III.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Jimmy Gibbons, Curtis Harvey, Amy Harvey, Betty Jo Vonderheide-Gerber, Shirley Lawson, Forrest Lawson, Gina Burnaugh, Janet Stokes, Tami Ledbetter, Jermaine Miller and Lia Roberts.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Rosemary Bartolo, Katheleen Sloan Chisari, Debbie Gant, Annett Price, Calbeth Alaribe, Amanda Alston, Timothy Atchley, Adam Brayton, Dynisha Buford, Misty Cox, Alexandria Fechter, Amber Frost, Brianne Gant, Amanda Johnson, Cory Jones, Jennifer Kenbok, John Kim, Neyva Martinez, Sandra Martinez, Ana Pailla, Autumn Palko, Kristopher Phay, Shawn Presley, Jessica Price, Samantha Rasberry, Vincent Renfrow, Kyle Riley, Corrine St. Clair, Jesus Torres, Joseph Towery, Mara Underwood, Justin Walker and Matt Winter.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Andres Yves Portal.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Smith.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Peter. G. Jaramillo.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Di Stefano.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 22, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:53 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 22, 2001

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Humke and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

Our Father, we come before You today and we would not want to come to weary You with our constant begging. We thank You for lessons to learn and for work to do. May we apply ourselves to both. As Your servants here sincerely seek to do right, make it plain to them. Knowing that criticism will come, help them to take from it what is helpful and to forgive what is unjust and unkind. In the middle of all the pressures brought on them, may they ever hear Your still small voice and follow Your guidance for the good of all the people, that Your will may be done in this state, through these Your servants. In Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 21, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 7, 29, 37.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Gibbons, Neighbors, Parks, Bache, Beers, Carpenter, Cegavske, Chowning, Claborn, Collins, Goldwater, Koivisto, Lee, Marvel, McClain, Ocegüera, Parnell and Price:

Assembly Bill No. 211—AN ACT relating to elections; removing the requirement that a candidate who receives a majority of the votes in a primary election under certain circumstances must be declared the sole nominee for such an office; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen de Braga, Gibbons, Neighbors, Manendo, Bache, Beers, Buckley, Carpenter, Chowning, Claborn, Collins, Giunchigliani, Goldwater, Koivisto, Lee, McClain, Nolan, Ocegüera, Parks and Parnell:

Assembly Bill No. 212—AN ACT making an appropriation to Churchill County for the expenses related to the operation of a veterans' field service office in Churchill County; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 213—AN ACT relating to pupils; authorizing school districts to enroll pupils who are deemed habitual disciplinary problems in alternative programs of instruction; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 214—AN ACT relating to education; requiring the department of education and the board of trustees of each school district to adopt a plan setting forth procedures concerning the security of certain examinations; providing for the enforcement of those procedures; requiring the department of education to enforce certain provisions of certain contracts relating to the timely delivery of the results of examinations; prohibiting retaliatory action against an official of a school district or charter school who discloses information regarding irregularities in testing administration or testing security; providing that a teacher or administrator who willfully neglects or fails to observe and carry out the provisions of a plan for test security is subject to disciplinary action; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Williams and Leslie:

Assembly Bill No. 215—AN ACT making an appropriation to the City of Las Vegas for the continued support of the Child Care Improvement Grant Program; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Berman, Angle, Arberry, Bache, Beers, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Price, Tiffany and Von Tobel; Senator Rawson:

Assembly Bill No. 216—AN ACT making an appropriation for costs relating to the coordination of efforts to attract biotechnological companies to this state; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 217—AN ACT relating to industrial insurance; repealing certain provisions that prohibit the payment of a death benefit under industrial insurance to a surviving spouse who remarries; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 218—AN ACT relating to public works; authorizing certain public bodies to contract with a design-build team for certain public works projects; changing the requirements for providing notice of certain hearings and advertising for preliminary proposals from design-build teams; changing certain requirements relating to the qualification and selection of a design-build team; extending the date for the expiration of provisions relating to the use of design-build teams on public works projects; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Dini moved that the action whereby Assembly Bill No. 218 was referred to the Committee on Commerce and Labor be rescinded.

Remarks by Assemblyman Dini.

Motion carried.

Assemblyman Dini moved that Assembly Bill No. 218 be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Buckley, Cegavske, Anderson, Arberry, Bache, Beers, Berman, Brown, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Titus, O'Donnell, Neal, Wiener, Carlton, Amodei, Care, Coffin, James, Schneider, Shaffer, Townsend and Washington:

Assembly Bill No. 219—AN ACT relating to state emblems; designating the mustang as an official state animal; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 220—AN ACT relating to law enforcement; revising provisions governing the duties of certain peace officers in larger counties when a felony is committed or attempted in their presence or in an area that is within their jurisdiction; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 221—AN ACT relating to education; authorizing the Department of Education to spend from the state distributive school account money for programs of remedial study and tutoring for allocation to certain schools and school districts; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 222—AN ACT relating to education; increasing the membership of the commission on professional standards in education; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 223—AN ACT relating to educational personnel; authorizing the commission on professional standards in education to adopt regulations that provide an exemption from the examinations required for initial licensure for certain teachers and other educational personnel with previous experience; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 224—AN ACT relating to education; revising provisions governing the contents of an application to form a charter school and a written charter of a charter school; revising provisions governing the requirements of a charter school to provide special education; clarifying provisions governing the reassignment of employees of a charter school upon revocation of the written charter; providing that a charter school may offer independent study in accordance with the regulations of the state board of education; specifying that charter schools are included within a school district's program for the statewide automated system of information concerning pupils; making an appropriation to the legislative fund for a consultant to conduct case study evaluations of certain charter schools; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Freeman, Anderson, Gibbons, Williams, Chowning, Arberry, Bache, Beers, Berman, Buckley, Collins, Giunchigliani, Goldwater, Humke, Lee, Leslie, Manendo, Nolan, Parks, Parnell, Price, Smith and Tiffany; Senators Rawson, Schneider, Neal, O'Connell, Townsend, Amodei, Mathews and Shaffer:

Assembly Bill No. 225—AN ACT relating to meetings of public bodies; defining the term “deliberate”; revising the definition of “meeting” to include certain serial gatherings; revising the definition of “public body” to include certain corporations and limited-liability companies; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Angle, Berman, Cegavske, Hettrick, Lee and Price; Senator Washington:

Assembly Bill No. 226—AN ACT relating to education; prohibiting an employee or agent of a school district from taking certain actions with regard to pupils who engage in disruptive behavior; authorizing certain employees

of a school district to take certain actions with regard to pupils who engage in disruptive behavior; requiring a principal to take certain actions to encourage use of methods for managing pupils who engage in disruptive behavior that do not involve medication; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 7.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 29.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 37.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 7.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblymen Bache, Buckley and Arberry.

Roll call on Assembly Bill No. 128:

YEAS—40.

NAYS—None.

EXCUSED—Humke, Ohrenschall—2.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 4:56 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Arberry and Von Tobel as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice A. William Maupin.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:02 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Coffin, Matthews, Porter and Townsend, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except for Assemblymen Freeman, Manendo, Ohrenschall and Tiffany, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Amodei and Assemblyman Anderson to wait upon the Honorable Chief Justice A. William Maupin and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Nevada Supreme Court Chief Justice A. William Maupin appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker welcomed Chief Justice Maupin and invited him to deliver his message.

Chief Justice Maupin delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FIRST SESSION, 2001

Governor Guinn, Lieutenant Governor, Mr. Speaker, Constitutional Officers, members of the Nevada State Senate, and members of the Nevada State Assembly:

It is my privilege to address you tonight on the State of the Nevada Judiciary and I thank you for this opportunity. In this I speak on behalf of my colleagues on the State Supreme Court, our 56 colleagues around the state who serve in our district courts, our 97 colleagues around this state who serve as municipal court judges and justices of the peace, and our colleagues who serve in the capacity of administrative law judges.

As many of you know, certainly those of you with whom I campaigned in two consecutive elections, the entirety of my adult life has been devoted to the Nevada legal system, either as a practicing lawyer or as a member of the judiciary. Never have I been more proud of the men and women who serve the people of this state as judges and lawyers than I am at this moment. When you hear what these dedicated public servants have accomplished since Chief Justice Bob Rose spoke to you two years ago, I am quite confident you will join me in that sense of pride.

Also, as I intend to make quite clear, the vast majority of these accomplishments could not have occurred without the partnership that I believe the Nevada judiciary has formed with the legislature, the executive branch, and with the various county and city governments in this state. These partnerships have served this state well and I can now say without reservation that the people working in your judicial system have made every effort to maximize available resources to improve the delivery of formal dispute resolution to our citizens.

In terms of general administration of the court system I would point out the following:

In December, we published the judiciary's first-ever annual report containing uniform caseload statistics for every district, justice, and municipal court in Nevada. This report contains information that you have requested, information that we are happy to provide, and information that is important in management at every level of the Nevada court system; Last year, we established the strong chief judge requirement in the urban districts. Working with local judges, we also adopted comprehensive case management rules in the large districts, which have already paid great dividends in increased productivity and accountability to the people of Nevada;

We have upgraded the Nevada Judicial Council by developing uniform standards for judicial administrative performance, court security, and court facilities;

The Supreme Court formed a committee of judges, law enforcement representatives and family advocates to develop standards, including forms, to be used in domestic violence cases, and we have ordered all courts to use the new forms;

We developed a manual for trial courts to improve collections on all levels;

With the help of the private bar, we are now nearing completion of an *Appellate Practice Manual* to aid lawyers and their clients with the complex process of appellate litigation;

We also created a blue ribbon committee to revise and modernize the Nevada Rules of Civil Procedure so that litigation in our trial courts will become more user-friendly;

We have enacted rules to implement the Short Trial Program passed as part of the Nevada Arbitration Act by the 1999 Legislature; and

We continue to review and improve the Court Annexed Arbitration System in place since July 1, 1992. This program regularly diverts a substantial percentage of the litigated damage cases out of the district courts of Washoe, Clark and Douglas counties, and Carson City.

In the Supreme Court itself, we are managing our caseload to maintain quality and to reduce one of the most serious backlogs of any appellate court in the country. That backlog developed as a result of a tremendous increase in case filings during the early and middle 1990s. Because Nevada has no intermediate appellate court and was comprised of only five justices with a relatively modest support staff of lawyers, the 1997 session allowed us to expand the court to seven justices and provided us with generous increases in our staff. I believe that our statistics, since then, demonstrate excellent use of these resources.

At the close of calendar year 1997, our pending case inventory was 2521 cases, certainly one of the five largest inventories in the country. Three years later, at the end of calendar year 2000, 1720 cases remained pending, a reduction of 801 cases. In non-governmental accounting terms, this is a reduction of 32 percent. Our own internal case management measures have contributed to this as well. The Civil Settlement Program, which you have also funded, is still resolving between fifty and sixty percent of the civil appeals lodged with the court. The Fast-track Program for processing criminal appeals has substantially increased the speed with which we are disposing of those cases. Finally, with the resources provided to us by you, we have made significant headway in the reduction of the backlog of prisoner litigation.

Long term, we will continue to advocate for an intermediate appellate court. Although recognizing we now operate both as an intermediate appeals court and a court of final appeal, and recognizing that we can justify an intermediate court system based upon the sheer size of our caseload, we have determined not to press for the second leg of the legislative process that would lead to the intermediate appellate court being placed on the general election ballot in 2002. This is reflective of the fact that, as of now, we continue to reduce the backlog. I must emphasize, however, that this trend cannot continue indefinitely given the growth picture of this state, particularly in southern Nevada. Thus, we will be asking you to again re-submit the resolution for creation of the intermediate appeals court in a form that would, if passed by two consecutive legislative sessions, result in the new court being placed on the ballot for approval by the voters in the year 2004.

Turning to the Eighth Judicial District, our largest district court system: Last year, over 62,000 civil, criminal, family, and juvenile matters were filed in the Eighth Judicial District. Of these matters 17,489 were civil cases, 8,266 were criminal cases, and 36,584 were family and juvenile cases. Thus the upward trend in filings across the board continues in that district;

In calendar year 2000, 7657 civil filings in Clark County were routed through the court annexed arbitration program. Of these, 2268 cases were settled prior to an arbitration hearing; 2510 resulted in formal awards; and 1242 cases proceeded into district court on requests for *trial de novo*. Since this program was enacted in 1992, over 30,200 cases have gone through the program. Less than one percent of these have actually gone to trial. We are therefore very satisfied with the enormous success of the program. And most recently, we conducted training of over seventy-five additional arbitrators statewide.

Turning to the Family Division of the Eighth Judicial District: In the calendar year 1999, the Family Division of the Eighth Judicial District closed almost 17,000 matters. Further, the Clark County family court partnered with Clark County Commissioner Myma Williams, Assembly Majority Floor Leader Barbara Buckley and Clark County Legal Services in the implementation of the Children's Attorney's Project. This innovative new program provides legal representation to children in the court system, giving priority to abused and neglected children. According to the first annual report on this project, some 1400 children per year are taken from their parents in Clark County due to abuse and neglect. District Judge Gerry Hardcastle, who played a pivotal role in obtaining grant funding and in the implementation of the program, advises that some 70 private attorneys have already volunteered to participate in the representation of these children. Some 9300 hearings were conducted in fiscal year 1999-2000, on 6543 child support cases. The Clark County District Court Administrator advises me that over \$100,000,000 in child support payments were collected over a two-year period through the combined efforts of the family court, the district attorney, and the Nevada State Welfare Division. The Clark County Family Mediation Center provided mediation services to 3275 families with a success rate of 78.4 percent in child custody matters. The Clark County Family Court processed over 14,500 new applications for protective orders against domestic violence; issued 4200 emergency orders; implemented use of new forms approved by the Administrative Office of the Courts for statewide use; and made possible electronic transfer of protective order information to the state and criminal records repository through the use of Department of Motor Vehicles and Public Safety grant funding. Finally, the Family Division of the Eighth Judicial District has drafted a comprehensive set of local case management rules. Since our approval of these measures last year, the productivity and quality of resolutions at the Family Division continues to improve. I think that presiding Judge Dianne Steel and her colleagues have done everything possible to maximize the resources provided to them. I note that Judge Steele is in the audience tonight, a former colleague of yours, and I think that a round of applause for the efforts of this court is in order.

Like their counterparts in Las Vegas, our Washoe County district judges of the Second Judicial District have taken aggressive measures to improve the management of their very serious criminal, civil and domestic caseloads.

Since your last session, the Second Judicial District, as part of its Strong Chief Judge System, has adopted a no-continuance policy in civil cases. This means that no trials are being cancelled or postponed due to court calendar congestion. This, of course, has increased the number of settled cases and maintains the local practice of having a vast majority of matters resolved within one year of the commencement of the civil litigation process. In a prime example of this, Judge Jim Hardesty advises that a complex medical products case with multiple defendants and thirty-five plaintiffs was resolved within ten months of filing under the new case management regimen adopted in Washoe County.

In criminal cases, the Second Judicial District Court is currently working on new local rules for processing cases and has adopted a policy that allows the parties to agree to short postponements in pre-trial motions up to the end of business hours the day before hearings to save costs and avoid unnecessary security problems of transporting inmates from the county jail.

Turning to the Family Division of the Second Judicial District, presiding Family Division Judge Scott Jordan has instituted the SAFE program, which stands for special Advocate For Elders. This program—a collaborative effort of the District Court, the Nevada Division for

Aging and others—is designed to recruit community volunteers to work with elderly persons who may have court appointed guardians. Volunteers assist in gathering information to assist the court in making decisions on the welfare of elderly clients of the program.

Along with every other judicial district in the state, the Second Judicial District is in the process of improving automation technology and improving its transmission of statistics to the Supreme Court and ultimately to you through the Uniform System for Judicial Records.

Moving to the statewide picture we are working with interim committees of the legislature and local district judges, instituting business court dockets in Clark and Washoe counties on an experimental basis. We believe this new docket management technique will enable us to more ably handle sophisticated business matters at no sacrifice to the management of other cases. Incidentally, Nevada is the first state west of the Mississippi River to do this.

The family divisions of the Eighth and Second Judicial Districts are in the process of implementing the one judge, one family legislation; including the current ongoing development of sophisticated software to accommodate the legislative mandate. This has made the system much more efficient and has significantly reduced the fragmentation of services and internal conflict in court orders. This is again a prime example of how the partnership formed between the legislature and the court system has successfully served the citizens of this state.

Courts in Carson City, Storey, Churchill, and Lyon counties have, with assistance from the administrative office of the courts, implemented a multi-county justice information system to streamline the collection and sharing of information in criminal cases. The Administrative Office of the Courts has also been coordinating with other rural courts to acquire a case management system for more than thirty of the smaller courts with insufficient resources to implement computer technology on their own.

The experiment with adult, family, and juvenile drug court programs continues to flourish and expand. Without question, our drug court judges throughout the state are demonstrating national leadership in this area. Judges Jack Lehman, Dianne Steel, and Jessie Walsh in Las Vegas and Judges Peter Breen, Chuck McGee and Deborah Schumacher in Reno continue to excel in these endeavors. I am now advised that Judge Mike Griffin, Carson City, and Judge Archie Blake, Yerington, are in the process of instituting drug court dockets in Carson City, Storey County, Lyon County, and Douglas County. There is also another important experiment with alcohol and drug related offenses going on in Judge Larry Sage's courtroom in Sparks. In this connection, I would like to additionally mention that District Judge Deborah Schumacher recently received a national award for her work in this area, and that one of her graduates received the Youth of the Year Award from the National Association of Drug Court Professionals. Going further, the Second District and several of our rural judges are now exploring the creation of mental health courts.

Last but not least in my incomplete list of the accomplishments of my colleagues, during the fiscal year 1999-2000, our justices of the peace and municipal judges have with great success wrestled with caseloads totaling over 890,000 criminal, civil and traffic related matters.

One last comment about our family court judges. I would like to express our appreciation for each and every one of these judges because, without question, they have the toughest assignments that exist in our state judicial system.

An important component of many of the accomplishments mentioned is volunteer service by members of the Nevada State Bar. These include pro bono representation of disadvantaged citizens, representation of children in the Family Court Child Representation Project, participation in the Habitat for Humanity project, committee work to revise procedural rules at all levels of the court system, service as mediators and arbitrators, and other roles too numerous to mention. Certainly, our Nevada lawyers have responded overwhelmingly to the call to participate in public service without expectation of compensation. Thus, I can state here tonight that our public is being well served by the Nevada legal profession.

I believe that the true state of the judiciary statewide is capsulized in a paragraph from a letter I recently received from Chief Judge Gene Porter of the Eighth Judicial District:

“While striving to maintain the highest standard of justice, the court is committed to finding creative and responsible solutions that improve public access and speedier dispute resolution for citizens. In pursuit of its vision and the healthy development of

the court in the longer term, the judiciary, court administration, and staff hold fast to a steady course of meeting these needs through hard work, dedication, and innovation. This evolution is formed by an ever-growing public need and is served by creation of special courts and calendars, changes to local court rules, and development of special programs and enhanced services. Other on-going projects are gaining momentum that find solutions by merging technology with creative thought, resulting in the court's ability to better manage existing workloads, report performance, and achieve the ultimate goal of speedier justice for our citizens."

Interestingly ladies and gentlemen, until about five years ago, the court system was simply trying to deal with day-to-day survival. Now, it is clear to me that all your Supreme Court justices, district court judges, municipal court judges, justices of the peace and our administrative tribunals are thinking in terms of systems to manage and not simply reacting to the problems of burgeoning caseloads.

Before I conclude, let me say that our lawyers and judges continue every day to work together to provide access to the justice system for our people. Let me also say that our attorneys and judges, almost without statistical exception take pride in the fact that our democracy depends on lawyers and judges to make sure rights of redress are speedy, fair, and competent. But we cannot do that vital work without your assistance. In this, over the last several years, the members of this Legislature have stepped up to the plate and given us the essential tools to do this important work. On behalf of my colleagues, I thank you for this. Again, I say, the great strides of our judiciary I have enumerated here tonight could not have happened without the partnership formed between you and us.

I ask that you continue to embrace this very important partnership. In that partnership we will make this great state a much better and safer place for our fellow citizens.

Senator O'Donnell moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Maupin for his timely, able and constructive message.

Seconded by Assemblyman Oceguera.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Maupin to the bar of the Assembly.

Senator Shaffer moved that the Joint Session be dissolved.

Seconded by Assemblywoman Parnell.

Motion carried.

Joint Session dissolved at 5:29 p.m.

ASSEMBLY IN SESSION

At 5:30 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Maury Astley and Marolyn Mann.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Chicoine and Mark Nichols.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Koschella and Lisa Beasley.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Pearl.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 23, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 5:31 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 23, 2001

Assembly called to order at 10:37 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Collins and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

O Lord, teach us to number our days that we may apply our hearts unto wisdom. Save these men and women, the chosen of the people, from the tyranny of the nonessential, from the weary round of that which saps strength, frays nerves, shortens life, and adds nothing to their usefulness to You and to the work they must do for this State. Help them to give themselves to the important and to recognize the trivial when they see it. Give them the courage to say “No” to everything that makes it more difficult to say “Yes” to You. In Your Holy Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 56, 102, 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 90 be re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 227—AN ACT relating to elections; revising the definition of a committee for political action; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Freeman, Giunchigliani, Anderson, Beers, Brown, Collins, Mortenson, Nolan and Parks:

Assembly Bill No. 228—AN ACT relating to the legislature; providing for an annual adjustment of the compensation for a legislator based on the consumer price index; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Bache, Perkins, Leslie, Gibbons, Giunchigliani, Anderson, Arberry, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Claborn, Collins, Freeman, Goldwater, Hettrick, Humke, Koivisto, Lee, McClain, Mortenson, Neighbors, Nolan, Parks, Parnell, Price, Smith, Tiffany, Von Tobel and Williams; Senators Wiener, Neal, Care, Rawson, O'Connell, Amodei, Carlton, Coffin, Mathews, McGinness, Porter, Schneider, Shaffer and Titus:

Assembly Bill No. 229—AN ACT relating to motor vehicles; authorizing the department of motor vehicles and public safety to design, prepare and issue special license plates upon request; limiting the number of different designs of special license plates that the department may issue; providing in certain circumstances for the withdrawal from use of a particular design of special license plate; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblymen Smith, Bache, Chowning, Beers, Anderson and Dini.

Assemblyman Dini moved that Assembly Bill No. 7 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 12.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 26, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 10:55 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 26, 2001

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Patrick Hardy.

Almighty God, we start another week of our work as the people's Assembly. Help us to know that You have plans for us and the power to make them happen. Give these assemblymen, our state's executives and our state workers a knowledge of Your will for Nevada. Let them remember that they serve a public trust beyond personal gain or glory. May they see that no community, no state, and no nation lives for itself alone but is responsible to You for peace and for the well-being of all Your children. In Your Gracious Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 38, 41, 82, 108, 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

COMMUNICATIONS

AMERICAN LEGION CAPITOL POST #4

TIM TETZ, COMMANDER

16 ARIZONA CIRCLE

CARSON CITY, NV 89701

February 22, 2001

ASSEMBLYMAN RICHARD PERKINS, *Speaker*, Nevada State Assembly, Legislative Building,
401 South Carson Street, Carson City, Nevada 89701-4747

ASSEMBLYMAN PERKINS:

On behalf of American Legion Capitol Post #4 and the Department of Nevada, I am pleased to let you know that National Commander Ray Smith will be in Carson City on Tuesday, April 13, 2001.

In past sessions, under the management of Archie Pozzi, Jr. it has been tradition for the Department Commander to make a presentation to the Legislature. This year, we would like to seek your support for an address by the National Commander before a joint recess at 5:00 p.m. on April 3, 2001.

Due to our need to coordinate his busy travel schedule, your prompt attention to this matter would be greatly appreciated. If I can be of any assistance in facilitating this matter, please don't hesitate to call me.

Respectfully,
TIM TETZ, COMMANDER
Capitol Post #4

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 5—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Sandra Albrecht-Johnson is elected as an additional attaché of the Assembly for the 71st session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Mortenson, de Braga, Chowning and McClain; Senators Rawson and Rhoads:

Assembly Bill No. 230—AN ACT relating to cultural resources; requiring the administrator of the office of historic preservation of the department of museums, library and arts to establish a stewardship program for the protection of cultural resources; requiring the administrator to establish an advisory commission for certain purposes; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Mortenson and Bache; Senator Rawson:

Assembly Bill No. 231—AN ACT relating to water; extending the statutory protection of domestic wells from impairment for other uses and for the redress of impairment to counties with larger populations; requiring certain minimum financial assistance to be offered to certain persons before the state engineer may take various actions concerning certain wells; removing the prospective repeal of certain provisions that limit the circumstances under which the state engineer may take various actions concerning certain wells; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Concurrent Committees on Government Affairs and Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 232—AN ACT relating to the judiciary; establishing a judicial retirement system for certain justices of the supreme court and district court judges; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 233—AN ACT making a supplemental appropriation to the Department of Administration for an estimated shortfall in the Integrated Financial System resulting from certain required accounting changes; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 234—AN ACT making supplemental appropriations to the Department of Motor Vehicles and Public Safety for shortfalls in the Division of Parole and Probation and Central Services, Management Services and Field Services; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 235—AN ACT making a supplemental appropriation to the Department of Business and Industry for an unanticipated shortfall in the money budgeted for salaries for personnel in the Nevada Athletic Commission's Amateur Boxing Program; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 236—AN ACT making an appropriation to the Department of Motor Vehicles and Public Safety for the funding of shortfalls resulting from the 1998 reclassification of personnel; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 237—AN ACT making a supplemental appropriation to the District Judges' Salaries and Judicial Pensions Fund for a shortfall in the money budgeted for retirement benefits and pensions for District Judges and widows; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Brower; Senator Washington:

Assembly Bill No. 238—AN ACT relating to taxation; exempting from property taxes certain property that is owned by or leased or rented to a charter school; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Taxation.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Brower withdrew the motion that the bill be referred to the Committee on Taxation.

Assemblyman Brower moved that the bill be referred to the Concurrent Committees on Education and Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 239—AN ACT relating to fees in civil actions; authorizing a board of county commissioners to impose an additional fee for the filing of certain actions and responses thereto in district courts and justices' courts to offset a portion of the costs of providing legal services without a charge to abused or neglected children, victims of domestic violence and other needy persons; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Angle, Price, Gibbons, Hettrick, Humke, Tiffany and Von Tobel:

Assembly Bill No. 240—AN ACT relating to the practice of law; revising the provisions governing the unauthorized practice of law; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Angle:

Assembly Bill No. 241—AN ACT relating to prisons; requiring the Director of the Department of Prisons to establish a pilot program to improve the literacy of offenders; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Marvel and Chowning:

Assembly Bill No. 242—AN ACT relating to motor vehicles; requiring an instructor for a school for training drivers who provides instruction solely to applicants for commercial drivers' licenses to have a high school diploma or its equivalent or to complete certain experience; providing that such an instructor is not required to complete requirements for continuing education; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Dini, de Braga, Marvel, Carpenter, Neighbors, Goldwater and Hettrick:

Assembly Bill No. 243—AN ACT relating to taxation; providing an exemption from certain sales and use taxes for farm machinery and equipment; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Chowning, de Braga, Gibbons, Claborn, Collins, Freeman, Goldwater, Koivisto, Manendo, McClain, Neighbors, Nolan, Parks and Perkins:

Assembly Bill No. 244—AN ACT making an appropriation to the Department of Education for distribution to Boulder City High School for the purchase of computer equipment; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Chowning, Anderson, Arberry, Brown, Carpenter, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Manendo, Marvel, McClain, Neighbors, Nolan, Parks, Perkins and Smith:

Assembly Bill No. 245—AN ACT relating to deceptive trade practices; requiring tour operators and tour brokers to make certain disclosures relating to price in an advertisement for a tour; prohibiting tour operators and tour brokers from charging more for a tour than the price disclosed in an advertisement for the tour; requiring a tour operator and a tour broker to include certain information in a billing invoice and receipt; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 56.

Bill read second time and ordered to third reading.

Assembly Bill No. 102.

Bill read second time and ordered to third reading.

Assembly Bill No. 117.

Bill read second time and ordered to third reading.

Assembly Bill No. 153.

Bill read second time.

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

Amendment No. 15.

Amend sec. 2, page 2, line 7, by deleting:

“On July 1, 2001.” and inserting:

“upon passage and approval.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Assembly Bill No. 7 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Dini.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblymen Smith, Anderson, Beers, Bache and Collins.

Roll call on Assembly Bill No. 7:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It's certainly not with pleasure that I announce that one of our former members passed away over the weekend. A gentleman that very few here would know or remember because he was a member of this body a long time back. Eugene (Gene) Thomas Evans was a legislator in 1957, 1959, and 1960 and had been active for many years in government affairs. Mr. Evans was from Elko and I will read a bit about him. Gene Thomas Evans of Elko County was born in Baltimore, Maryland, October 12, 1920 to parents, Clarence and Leotta E. (Cantley) Evans. He attended school at Annapolis, Maryland, grade school and high school; the State College of Washington; and the University of Nevada. He served as platoon sergeant with the 7th Division, U.S. Army, World War II, and decorated with a Purple Heart and two Clusters. He was a former newspaper editor, public relations, and private pilot. His family included wife, Betty Evans and son, Tommy. He was a member and past Exalted Ruler of the Elks Lodge; belonged to the American Legion; was past president of the Lions Club; member of the Elko Chamber of Commerce, Jaycees, Civil Air Patrol and Toastmasters; Director of the Nevada Alumni Association; member of the Western Interstate Committee on Highway Policy Problems, 1957, 1958, 1959, 1960; and served in the Nevada Assembly in 1957, 1959 and 1960.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Potter, Amy Reel, Lisa Nyberg, Carol Larsson, Angela Orr, Tamie Priddy, Katherine Sewell, Mark Hausauer, Nancy Reeser, Lnydi Cooper, William Akiu, Khristine Alexander, Cuyler Beatty, Nichole Burch, Caitlin Crofts, Sarah Foster, Justin Frost, Amber Gaither, Richard Giampapa, Ashley Martens, Kelsey Martin, Robyn McGibeny, Jonathon Miller, Jerrquisha Mothershed, Elizabeth Orphan, Dominique Oviatt, Chad Parker, Kathryn Peterson, Tyler Price, Jessica Saldana, Harlow Sayers, Brett Setterfield, Acacia Thornhill, Ryan Walker, Heaven Welshonse, Bryan Wilsey, Clinton Wolff, Lawrence Alves, Delfonye Baker, Lisa Bishop, Katie Bowden, Dennis Brooks, Jory Caldwell, Mayra Carranco, Michelle Deal, Katherine Dew, Andrew Evans, Selina Ford, Evan Fox, Amber Gaylord, Denise Hernandez, William Honjas, Brittany Johnson, Randall Krause, Mark Martinmaas, David Mayorga,

Corey McDowell, Brianna Medina, Johnny Puentes, Angela Riddle, Valerie Serpa, Christopher Sinnett, Christopher Sprague, Ashley Tackett, Erika Thompson, Valerie Anderson, Robert Becker, Ryan Borges, Jason Chase, Christina Donnelly, David Elcano, Leasu Faamasa, Sarah Foster, Ryan Harris, Melissa Hofman, Jessica Holman, Justin Jeffers, Joy Jones, Shayleen Jones, Stephanie Loveless, Brandon MacFarlane, Marie Mancia, Amanda Martinez, Anthony Matney, Kevin Neugebauer, Dan Nguyen, Megan Ortiz, Lindsey Paster, Kimberly Richards, Mayra Salazar, Eduardo Sanchez, Brandi Seymour and Joshua Steiger.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Ira David Sternberg.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Harms.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Grant Graves.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Morgan.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, February 27, 2001 at 11:00 a.m. and that it do so in memory of former Assemblyman Gene Thomas Evans.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON

Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), February 27, 2001

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Goldwater, Ohrenschall and Parks, who were excused.

Prayer by the Chaplain, Pastor Patrick Hardy.

O God, Your justice is like a rock and Your mercy is like pure flowing water. In this people's Assembly we ask that You deliver us from public deceptions that weaken trust; from self-seeking in high political places. Deliver us from divisions among us of class or race or wealth. Deliver us from neglecting rights, from overlooking the hurt, the imprisoned and the needy among us. And deliver us, O God, from accepting the easy answers when the problems that confront us seem so overwhelming and the resources so scarce. We ask for Your wisdom on this assemblage so that all Your children will be remembered in their decisions. In the Name of Your Awesome Love we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 150, 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 99, 100, 101, 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 7—Directing the Legislative Committee on Health Care to conduct an interim study concerning the development of a system for reporting medical errors.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen McClain, Koivisto, Manendo, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Lee, Leslie, Marvel, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Parnell, Perkins, Price, Smith, Tiffany and Williams; Senators Carlton, Amodei, Care, O'Donnell, Schneider, Shaffer, Titus and Wiener:

Assembly Bill No. 246—AN ACT relating to motor vehicles; making various changes to the provisions governing the registration of motor vehicles by new residents of this state and the issuance of drivers' licenses to such persons; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 247—AN ACT relating to industrial insurance; repealing the provisions that limit the liability of an insurer or third-party administrator for certain violations relating to industrial insurance; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 248—AN ACT relating to children; requiring the adoption of regulations governing the provision of certain information to foster or adoptive parents; revising certain provisions governing procedures for the protection of children from abuse and neglect; clarifying and limiting certain provisions regarding the imposition of civil sanctions for the disclosure of confidential information; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 26.

Amend section 1, page 1, by deleting line 17 and inserting: “owner ~~[-]~~ or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit’s owner to”.

Amend sec. 2, page 3, by deleting line 9 and inserting:

“(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit’s owner to an”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 24.

Amend section 1, page 1, line 16, by deleting “for” and inserting: “with or without”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 13.

Amend section 1, page 2, by deleting lines 1 through 8.

Amend the title of the bill by deleting the third and fourth lines and inserting: “harassment against the adverse party; and”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 17.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 8 as sections 5 through 7.

Amend the title of the bill, third and fourth lines, by deleting: “revising the amount of certain fees that are paid and collected by county clerks;”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 25.

Amend section 1, page 1, by deleting line 10 and inserting “document; and”.

Amend section 1, page 1, by deleting lines 15 through 17.

Amend section 1, page 2, by deleting line 1, and inserting “2. The”.

Amend section 1, page 2, by deleting lines 4 through 8 and inserting:

“3. *Except as otherwise provided in subsection 4, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.*

4. *If a document described in subsection 3 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.*”.

Amend the title of the bill to read as follows:

“AN ACT relating to county recorders; making various changes concerning the information needed to record a document that includes a legal description of real property that is provided in metes and bounds; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 56, 102, 117 and 153 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 27, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 13.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 13.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Anderson, Dini, Parnell, Marvel and Neighbors.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I was honored when I was asked to speak to this resolution. I really didn't know Archie Pozzi very well, but what I did know of him is depicted very well in this resolution. The first thing I remember about Archie was his sense of humor and a quick smile. Every time I saw him he was always quick to engage you in conversation. It was a pleasure to be around him and talk to him. I was impressed. I had no idea, frankly, of his diverse interests and the many things he did for the State of Nevada, particularly this area. It is with great honor I rise in support of this resolution.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of the resolution. As a young man in high school I had the opportunity to be the manager on a basketball team, which played extensively in the state and frequently ran across the refereeing techniques of Mr. Pozzi, particularly at the state basketball tournaments. I oftentimes wished him ill, but then took great pride and joy in those magnificent calls he made for my teams. When I came here to the Legislature, I again had the opportunity to meet Mr. Pozzi and reminded him of the great anxiety I had whenever I would see him with that black and white shirt on, not knowing which way he was going to rule. I recognized the great warmth, the great idealism, and the great belief in children that he always possessed and his great vision for our great strong state—which all of his actions reflected. I had the opportunity to serve with him on the Cemetery Board of Northern Nevada, where he again espoused the views of the veterans and stood there to make sure that the veterans' cemetery rights were looked after and that that program went forward. He was a true man of vision, a man that cared for the people of our state, young and old, to make the game happen. I support the resolution.

ASSEMBLYMAN DINI:

I rise in support of the resolution. Archie and I go back a long way. I was, like my colleague from Sparks, in the basketball arena. Archie and Cardinale were two referees that refereed when I was in high school. They were the most hated referees in Yerington, because it was almost a cinch to lose the game if you were from Yerington and they were refereeing. At least that is the reputation they had—I hate to say that to his family.

In 1967, after reapportionment, I came into the Assembly and he went down to the Senate. I belonged to a group of gentlemen from the Assembly, who were all Republicans except me. Archie would come in every night when we were shooting pool in a local establishment. He gave us lessons on what we should do as legislators, especially if it was for Carson. He was always very devout to Carson, but was very strong with the rural counties, also. We had a lot of great times together: Bode Howard, Virgil Getto, and Roy Young from Elko. There were a

whole group of old legislators here; I was just a freshman, along with Getto. We received a lot of instruction from Archie on how to handle bills that involved Carson City.

You could always bet he would be here real early to make a date for the National Commander of the American Legion to show up. He would hound me until he got a date confirmed. I would say, "Go down and see Raggio, the Senate is holding it up." I would harass him a little bit, but we always had that date set early because Archie was here beating us up to be sure we got that date. He became a great friend of mine and I enjoyed his knowledge and his care for the State of Nevada and the veterans of this state. We were working on the veterans' cemetery, the two cemeteries we have in the state; he was really interested in both. He came to me more than once because there was a battle going on about having one cemetery or two, and his support probably had more to do with us getting that bill out of the Senate. A congressman from southern Nevada opened his mouth and said we could only have one cemetery in the state. I think I was Speaker that year. We went down to the Senate with Archie, with a gun loaded with about 100 veterans from the State. We got two cemeteries. He was mostly responsible for getting both. He was a great friend and the State of Nevada is going miss to Archie Pozzi because of what he contributed to this state.

ASSEMBLYWOMAN PARNELL:

I rise to support SCR 13. I am saddened because I really see that Carson City has lost a piece of history with the passing of Archie. I moved here in 1976 and there weren't many places you didn't see the name Pozzi. Driving down South 395 was Pozzi Motors. I used to drive up by the Governor's Mansion and one of my favorite houses still, particularly because of the wonderful job they used to do on the trees, was the Pozzi Mansion on Robinson Street. I was really very fortunate to meet Archie in about 1980. I stand today, as a Democrat with the reference in SCR 13 that Archie was a staunch Republican. I take great pride in calling Archi Pozzi a friend and hope that in return he would have called me one as well. A couple of things I would like to highlight. As a legislator, I think one of his greatest pieces of legislation was the one that gave the land that is now Western Nevada Community College. That certainly has been a great addition to this community. When I was at Archie's service I was just amazed when I heard that for 56 years Archie served in a leadership position for the American Legion. As a schoolteacher at the middle school, I was there when Archie came every June—until just this past one. He was always so proud to hand a deserving eighth grader that American Legion Award. I was able to share that with him for a number of years at the middle school. I see Archie Pozzi as someone who served his community, his state, and our great nation with a great sense of style. He will certainly be missed.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I also rise in support of SCR 13. I go back a long way knowing Archie. My original knowledge of him was from refereeing games. If you had children playing basketball you didn't swear at a referee. You used to say, "The referee has no father." Over the years, serving in the Legislature, I used to see Archie every session. I have a picture of Archie sitting with me. As a veteran, I really appreciate what Archie did for the veterans of not only the State of Nevada, but for the United States. Certainly we wish our condolences to all the members of the family and I want you to know I am certainly going to miss Archie.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. I certainly rise in support of SCR 13. I first had the opportunity of meeting Archie in the early '60s. He had observed at the Nevada Test Site, in regard to vehicles, that every time they had a bomb go off or a major operation, hundreds of privately owned cars would be on the site. In an effort to get some taxes for the state and the area, he introduced AB 361, AB 157, and AB 159. These had to do with exempt property when it was used by a business conducted for profit. I was working for Nye County at the time and we looked at the bills and said "Wow, there is all kinds of property at the test site that is being used." Talking to Archie years later, it actually meant about \$26 million to Nye County, the school districts, and everyone else when he went after the vehicles at the test site. I also had the privilege of working with Archie as I represented the Assembly on the Veterans' Service Commission where he was

one of the members. He worked real hard. Very shortly we will be opening the new nursing home in Boulder City. He was instrumental in working with us to put that together.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Wyman, Darren Robinson, Danni Warburton, Darryl Parsons, Julie Parsons, Shannon Ignotch, Dick Cervi, Debbi Cervi, Cherrish Guillermo, Daniel Warburton, Cody Downs, Garrett Swaim, Scott Klingman, Mandy Warneke, Joshua Warburton, Chantelle Swaim, Josie Mobry, Chad Parsons, Timothy Klingman, Dalton Swaim, Curtis Parsons, Colin Parsons, Andrew Geist, Joel Geist, Katherine Arnold, Scott Marshall, Hannah Ignotch, Mike Leach, Melanie Leach, Missy Cervi, Rosemary Cervi, Shawn Smee, Joshua Atchison, Daisy Clinger, Christopher Clinger, Cheyenne Simon, Mylissa Snyder, Shelby Guillermo, Kalie Guillermo and Tyler Silva.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Hansen and Mike Johnstone.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Pozzi, Bob Pozzi, Carey Pozzi and Shelly Pozzi.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 28, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 28, 2001

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Patrick Hardy.

Good and Gracious God, we pray for this people's Assembly. Keep these men and women refreshed and focused and always mindful that they serve a public trust. Help them to never sacrifice what is right in the service of what is expedient or politically correct. None of us ask to be kept safe, just help us to remain loyal to the higher calling so that through our efforts, all Your children may be served. We ask these things in the Name of Him whose love knows no bounds.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 27, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 31, 59, 64.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 16, 33, 55.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Bache:

Assembly Bill No. 249—AN ACT relating to insurance; authorizing certain insurers to offer policies of insurance that cover employees for both work-related and nonwork-related illnesses and injuries; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Leslie, McClain, Manendo, Anderson, Freeman, Koivisto, Parnell, Smith, Tiffany and Williams; Senator Care:

Assembly Bill No. 250—AN ACT relating to health care; requiring hearing screenings for newborn children and infants unless objected to in writing by the parent or legal guardian of the newborn child or infant; establishing the duties of hospitals, midwives and providers of health care concerning the provision of hearing screenings; requiring the state board of health to adopt certain regulations; requiring policies of health insurance and certain other health care plans to provide coverage for hearing screenings; prohibiting such policies and plans from requiring prior authorization for such coverage; providing for the referral of children who are diagnosed as having permanent hearing impairment; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Smith, Leslie, Chowning, de Braga, McClain, Anderson, Bache, Berman, Claborn, Collins, Freeman, Gibbons, Giunchigliani, Koivisto, Manendo, Ocegüera and Williams:

Assembly Bill No. 251—AN ACT relating to education; making an appropriation to the Department of Education for grants of money to pay the

costs incurred for licensed teachers to obtain endorsements to teach English as a second language; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Brower; Senator Jacobsen:

Assembly Bill No. 252—AN ACT relating to fire protection; authorizing the accounts, bills and demands against certain county fire protection districts to be paid by the treasurer of the district if approved by the board of county commissioners and the board of directors of the district; revising the provisions governing the issuance of bonds by those districts; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Cegavske, Hettrick, Von Tobel, Brown, Anderson, Angle, Arberry, Bache, Berman, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Neighbors, Nolan, Ocegvera, Parks, Parnell, Perkins, Price, Smith, Tiffany and Williams; Senators O'Donnell, Neal, Carlton, McGinness, Titus and Washington:

Assembly Bill No. 253—AN ACT relating to intercollegiate athletics; requiring the registration of athletes' agents; requiring the secretary of state to adopt regulations establishing the fees for registration; regulating communication and contracts between athletes and agents; prohibiting certain conduct by athletes' agents; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 254—AN ACT relating to marriage; authorizing a county clerk to designate a commercial wedding chapel as a branch office of the county clerk for purposes of issuing marriage licenses; authorizing a county clerk to issue a marriage license for the renewal of marriage vows; authorizing the collection of fees for those licenses; revising provisions governing the requirements for a person to obtain a certificate of permission to perform marriages; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Koivisto, McClain, Claborn, Carpenter, Ocegüera, Anderson, Arberry, Bache, Chowning, Collins, de Braga, Dini, Gibbons, Giunchigliani, Leslie, Manendo, Nolan and Parks:

Assembly Bill No. 255—AN ACT making an appropriation to the Alzheimer's Association - Southern Nevada Chapter for implementation of the Safe Return Program; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 256—AN ACT relating to public officers; increasing the annual salaries of certain elected county officers; requiring an annual increase of such salaries under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 257—AN ACT relating to the Virgin Valley Water District; revising the term of office of the appointed members of the governing board of the Virgin Valley Water District; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 16.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 31.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 33.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 55.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 59.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 64.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 21.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2 or NRS 295.121 or 295.217, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk within the designated territory on or before the third Monday in July preceding the election.

(b) At a primary election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk within the designated territory on or before the third Monday in May preceding the election.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk at least 60 days before the election.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide a copy of

the question, including an explanation of and arguments for and against the question, to the city clerk at least 60 days before the election.

2. The requirements of subsection 1 do not apply to any question expressly privileged or required ~~[pursuant to the provisions of article 19 of the constitution of the State of Nevada or pursuant to the provisions of chapter 295 of NRS or any other statute]~~ to be submitted if *the question is proposed after the dates specified ~~[-]~~ in subsection 1 and the privilege or requirement is set forth in:*

(a) *Article 19 of the constitution of the State of Nevada;*

(b) *Chapter 295 of NRS; or*

(c) *A provision of a city charter or other statute pursuant to which an initiative or referendum is placed on the ballot upon the signature of a petition by a certain number or percentage of registered voters.*

3. A county or city clerk may charge any political subdivision, public or quasi-public corporation or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation and arguments on the ballot.”.

Amend the title of the bill, second line, after “held;” by inserting: “clarifying the period in which a copy, explanation of and arguments for and against certain ballot questions must be submitted to the county or city clerk before an election;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding elections held by local governments. (BDR 31-418)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Buckley.

Assemblyman Bache moved that Assembly Bill No. 99 be taken from Second Reading and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assembly Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 20.

Amend section 1, page 1, by deleting lines 5 through 7 and inserting:

“2. *Members of such an advisory board are entitled to receive such travel expenses as are authorized in the ordinance that established the advisory board.*”.

Amend the title of the bill, second line, by deleting “compensation” and inserting: “payment of the travel expenses”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes board of county commissioners to provide by ordinance for payment of travel expenses of members of advisory board. (BDR 20-412)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 23.

Amend section 1, page 2, by deleting lines 1 through 3.

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 22.

Amend section 1, page 1, by deleting lines 19 through 23 and inserting:

“(b) For those persons who retire on or after January 1, 1994, *but before July 1, 2001*, with at least 5 years of state service, 25 percent plus an additional 7.5 percent for each year of service in excess of 5 years to a maximum of 137.5 percent, excluding service purchased pursuant to NRS 286.300, of the base amount provided by law for that fiscal year.

(c) For those persons who retire on or after July 1, 2001, with at least 5 years of state service, 25 percent plus an additional 7.5 percent for each year of state service in excess of 5 years to a maximum of 137.5 percent, excluding service purchased pursuant to NRS 286.300, of the base amount provided by law for that fiscal year.”.

Amend section 1, page 2, by deleting lines 7 and 8 and inserting:

“chapter 286 of NRS ~~[-]~~, *except that credit for service for the purposes of paragraph (c) of subsection 2 must not include service with any public employer other than the State of Nevada.”.*

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read second time and ordered to third reading.

Assembly Bill No. 151.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 38.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Assembly Bill No. 38:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 41:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56.

Bill read third time.

Remarks by Assemblymen Neighbors and Humke.

Roll call on Assembly Bill No. 56:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 82:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 102:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 102 having received a constitutional majority, Mr.

Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 108:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 108 having received a constitutional majority, Mr.

Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 117:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 117 having received a constitutional majority, Mr.

Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 126:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 126 having received a constitutional majority, Mr.

Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblymen Ocegüera, Collins, Dini and Chowning.

Assemblymen Buckley, Giunchigliani and Anderson moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 153.

Roll call on Assembly Bill No. 153:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 153 having received a constitutional majority, Mr.

Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 28, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 14.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 14.

Assemblyman Brown moved the adoption of the resolution.

Remarks by Assemblymen Brown, Buckley and Humke.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BROWN:

Thank you, Mr. Speaker. CASA (Court Appointed Special Advocate) is a program that helps abused children. Currently, there are over one million reported cases of child abuse each year in the United States. We have over 700 children in Nevada who are helped by CASA annually. There are 225 volunteer advocates in this program. Michelle and John Laws are two of those 225. They are an exemplary husband and wife team who have dedicated themselves to helping these abused and neglected children. The Laws, who are affiliated with the Clark County CASA program, have helped rescue abused children and given them the care they need for the past ten years. Michelle and John had to go through personal background checks and also were required to take up to 40 hours of training. As stated, Michelle takes care of one to two cases at any given time. She is required to do extensive research on each of the cases and makes appearances on their behalf in court as to what is in the best interests of each child. Of particular note, Michelle and John were awarded the 1997 Judges Award for Foster Parents in Clark County. Unfortunately, the Laws cannot be here with us today. Senator John Porter will be presenting them with the Senate Concurrent Resolution at a later date. I hope we will all join together in honoring Michelle and John Laws for their excellent work with so many needy children in this state.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I rise in support of SCR 14. In the last two years, I have had the opportunity to work on issues regarding child welfare and abused and neglected children, first, starting in these chambers—through a bill sponsored by our colleague from Yerington. This led to the ACR 53 Subcommittee. Second, in my work outside of this body with Clark County Legal Services in adopting a Children's Attorneys Project for abused and neglected children. I became aware of the Laws' work through both of those efforts. They came to our ACR 53 hearings to offer a first hand account from foster parents about what the system was doing to children. I also had an opportunity to see their work firsthand. We were made aware of a young boy who was troubled and needed serious therapeutic help and probably couldn't be saved. He went to the

Laws and flourished. It is amazing what the love of a family can do. We label children; they save them. For those reasons I rise in support of SCR 14.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of SCR 14 as well. I don't know Mr. and Mrs. Laws, but they appear to be an exemplary example of all of the CASAs I have known in this state. They also serve as foster parents, so as far as I am concerned, they doubly deserve sainthood for the work they do in this state. I have worked on several cases where CASAs have been involved, and I know many of them. They truly make the difference, often times in court, for a child who has no other advocates; children who are abused in the most terrible, ugly ways imaginable. I do not think we can say enough about people like this who voluntarily give of their time. We owe them a tremendous debt of gratitude.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Hill.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Hillary Bunker.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Sorenson, Julie Gilday-Shaffer, Alec Shaffer and Blake Shaffer.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Jamie Lea.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Wilson.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Walters.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Schulze.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Rowley, Nynalea Webb, Rachael Ridgely and Darryl Carpenter.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Kai Kadoich.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mauricio Chavez.

On request of Assemblywoman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Barbra Henley.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Cardoza.

On request of Assemblyman Dini, Jr., the privilege of the floor of the Assembly Chamber for this day was extended to Maria Marshall, Tinja Sofia Lahdesmaki.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Blunt.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Macy Johnson, Kathy Bergemann, Kelley Higgins, Shelley Gregory, Jenni Anderson, Rashele Acosta, August Anderson, Samantha Baker, Cody Beck, Andy Carrillo, Justin Cheatham, Daniel Clark, Cody Cruz, Ricky Ferrin, Leo Fuentes, Arielle Garcia, Eric Granata, Shawn Hall, Kowsar Khan, Letishia Lindblom, Kari Losure, Andrew Mayer, Moncerrat Pena, Heng Li Rao, Adair Melendez, Nakayla Shechan, Michael Tachera, Krystal Young, Mannik Gonzalez, Enseylnn Phillip, Mike Affinito, Chaz Blonsley, Nick Cercek, Amanda Cloninger, Alex Dietmeier, Daryl Doan, Kalen Garver, Deserea Gleffe, Kyle Harmon, Megan Hess, Kent Irwin, Charlie Johnson, Jesse Kilburn, Pete Lazzari, Anastacia McCauley, Ashley McQueen, Jaime Newberry, Salman Rafat, Ashley Redfield, Mikayla Roberts, Erica Russell, Amelia Sallaberry, Evan Slaton, Danielle Truesdell, Blake Wood, Amanda Anderson, Francesca De Los Santos, Samantha Derheim, David Doerries, Kara Dziolek, Tyler Hall, John Hess, Cavin Hill, Sarah Hooker, Justin Irvin, Erin Irvine, Alfredo Labrado, Capri LaPier, Stephen Leung, Michael Mayer, Josh Miner, Niki Pallanck, Amee Patel, Sydney Peters, Matt Presto, Alberto Roberto, Marcus Robinson, JoAnna O'Brien, Tiffany Griffin and Michael Weiss.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Cecily Valdez.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to George Garcia.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Torres, Andrew Hettrick, Brad Butti and Victoria Brinkerhoff.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to John Reed.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to James Fitch.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Kit Kapfer, Jamie Lea and Dave Campbell.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Conelea.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Dimitar Brankow.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Cassy Handford, Celestia McGlvain and Amanda Glover.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Alefelor.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Natalia Urquidi.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Cafferata, Walt William Turner, Carlee Michelson and Chelsea Holton.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Helbart.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Huntington.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Chomintra.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Keating and Magda Ciaciura.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Davidson.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to James Alger.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Ty Crites.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Reitz.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Davis.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Desiree Belcher.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 1, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:13 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 1, 2001

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Freeman and Williams, who were excused.

Prayer by the Chaplain, Pastor Patrick Hardy.

O God, You have made a world where men and women may join together to accomplish the larger good, the higher goals. Bring understanding to this people's Assembly so that there may be unity of purpose among those who enact laws, those who carry them out and those who live under their rule. Do not let greed, power or any other form of selfishness blind us to the basic needs of our citizens. Keep us from being careless of one another and to remember that each of us is precious in Your sight. May we work together as brothers and sisters in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 28, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 38.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gibbons, Berman, Humke, Anderson, Angle, Arberry, Bache, Beers, Claborn, Collins, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Ocegueda, Parks, Parnell, Price, Smith, Tiffany and Von Tobel:

Assembly Joint Resolution No. 5—Urging Congress to allow states to extend Daylight Saving Time to conserve energy and to promote public safety.

Assemblywoman Gibbons moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Assembly Concurrent Resolution No. 4.

Assemblyman de Braga moved the adoption of the resolution.

Remarks by Assemblymen de Braga and Carpenter.

Resolution adopted.

Assemblyman Bache moved that Assembly Bill No. 138 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 101 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Gibbons, Anderson, Angle, Bache, Beers, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, de Braga, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Parks, Price, Smith, Von Tobel and Williams; Senator McGinness:

Assembly Bill No. 258—AN ACT relating to air pollution; authorizing certain authorized inspection stations to install, repair and adjust the ignition systems and fuel systems of certain motor vehicles; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen McClain, Koivisto, Leslie, Smith, Ocegüera, Anderson, Arberry, Bache, Berman, Brower, Buckley, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Gibbons, Giunchigliani, Hettrick, Humke, Lee, Manendo, Mortenson, Neighbors, Nolan, Parnell, Tiffany and Williams:

Assembly Bill No. 259—AN ACT relating to criminal procedure; revising certain provisions that limit the time of day that an arrest for a misdemeanor may be made to exclude arrests for certain misdemeanor offenses related to domestic violence; requiring a prosecuting attorney to report any action in or disposition of criminal matters involving certain acts of violence to the central repository for Nevada records of criminal history; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen McClain, Koivisto, Buckley, Anderson, Arberry, Bache, Berman, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Hettrick, Humke, Lee, Leslie, Manendo, Mortenson, Neighbors, Parnell, Perkins, Smith, Tiffany, Von Tobel and Williams; Senators Titus, Care, Carlton, Mathews and Wiener:

Assembly Bill No. 260—AN ACT making an appropriation for the support of a historical book to be published by the Women's Research Institute of Nevada of the University of Nevada, Las Vegas; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Angle and Nolan:

Assembly Bill No. 261—AN ACT relating to taxation; reducing the amount of the state tax on certain types of motor vehicle fuel; increasing the amount of the proceeds reserved for construction and maintenance of public highways; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Transportation.

Assemblywoman Angle withdrew the motion that Assembly Bill No. 261 be referred to the Committee on Transportation.

Assemblywoman Angle moved that bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywomen Collins and Von Tobel:

Assembly Bill No. 262—AN ACT making an appropriation to the City of Las Vegas for the initial development of an equestrian arena and rodeo facility to be situated adjacent to the Floyd Lamb State Park; and providing other matters properly relating thereto.

Assemblywoman Collins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Angle, Carpenter, Gustavson and Nolan:

Assembly Bill No. 263—AN ACT relating to motor vehicles; authorizing the director of the department of motor vehicles and public safety to enter into contracts with persons to assist in carrying out the duties of the department by providing any service that the motor vehicles branch of the department is authorized or required to provide; requiring the director to adopt certain regulations; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Buckley, Tiffany, Parks, Manendo, Koivisto, Giunchigliani, Anderson, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Lee, Marvel, McClain, Mortenson, Neighbors, Ocegüera, Parnell, Perkins, Price, Smith and Von Tobel:

Assembly Bill No. 264—AN ACT relating to children; revising provisions governing the duty of certain persons to report the abuse or neglect of children; authorizing a county to adopt ordinances regarding the designation and operation of approved youth shelters; providing that approved youth shelters are immune from civil liability under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Gustavson, Angle, Beers, Claborn, Collins, Gibbons, Lee, Manendo and Nolan:

Assembly Bill No. 265—AN ACT relating to education; requiring boards of trustees of school districts and governing bodies of charter schools to administer certain examinations to determine the reading level of pupils enrolled in certain grades; requiring the department of education to prepare a list of approved examinations to determine reading level; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 38.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time and ordered to third reading.

Assembly Bill No. 167.

Bill read second time and ordered to third reading.

Assembly Bill No. 210.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 266—AN ACT relating to notaries public; prescribing a certificate sufficient for administering an oath or affirmation of office; authorizing the secretary of state to provide and charge a reasonable fee for courses of study for the voluntary training of notaries public; establishing the notary public training fund; prescribing the date of the commencement of an appointment as a notary public; prohibiting a notary public from committing certain acts; requiring a notary public to enter in his journal the type of certificate used to evidence a notarial act; authorizing the secretary of state to refuse to issue an apostille in certain circumstances; repealing the provisions relating to commissioners of deeds; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 100, 150 and 151 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Baker.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Glantz, Kathyryn Glantz, Hayley Glantz, Constance Waltz and Gail Herstead.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Berryman.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Harmony Rogers.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gilday Shaffer, Alec Shaffer and Blake Shaffer.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Barkclay Drusedum.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Winzeler.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Neel.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Dziedziak.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Davis.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Fey.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Andria Daley-Taylor.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kylie Johnson.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Aguilar and Nila Northsun.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to John Castillo, Gloria Castillo, Carol Johnson and Suzanne Cannell.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Kales.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Stacy Spain.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Cleta Dillard.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Hydrick, Denise Terry, Natalia Chavez, Nicole Spencer, Amy Lobretto, Candace Morse, Chris Hoover, Miguel Rubio, Tabatha Camp-Hill and Dorothy Paulson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Comeaux.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Willis Allen.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Garcia.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Lonie Harris and Mary Kaljan.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Kitty Boeddeker.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Terrill V. Ozawa.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Elinor Handman.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Kemp and Don Kemp.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Frances Hawkins.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Harrington.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Hayes.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to James Ohrenschall, Katey Ross Ohrenschall and Harry Ferris.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Johnson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Scott and Dorrine Sachilek.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Pam McAllister.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Bremer.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Abbey.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Zachman.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, March 2, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), March 2, 2001

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Collins, who were excused.

Prayer by the Chaplain, Pastor Patrick Hardy.

Almighty God, you have brought us through yet another week and for that we are grateful. We ask forgiveness for those times this week we have failed to seek the larger good and when we have spent time without loving and without purpose. Lead us into Your good future free from the mistakes of the past, free to love and ready to continue the work to which we have been called. Bless this people's Assembly and refresh these men and women through this weekend so that they may take up their tasks with renewed vigor and overwhelming hope. In Your Eternal Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 45, 50, 52.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 10.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson,

Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 8—Recognizing March 2, 2001, as “Read Across America” Day in Nevada in commemoration of Dr. Seuss’ birthday.

WHEREAS, Theodor Seuss Geisel was born on March 2, 1904, in Springfield, Massachusetts; and

WHEREAS, Theodor Seuss Geisel graduated from Dartmouth College in 1925 and was pursuing a doctorate in English literature at Oxford University when he returned from Europe in 1927 and began writing humorous articles and creating cartoons for various magazines; and

WHEREAS, The first children’s book written by Theodor Seuss Geisel, *And to Think That I Saw It on Mulberry Street*, was rejected by 43 publishers until, in 1937, a friend published the book for him, the first step in a career that would change the world of children’s literature forever; and

WHEREAS, In May of 1954, *Life* magazine published a report concerning illiteracy among school children, stating that, among other things, children were having trouble learning to read because the books were boring; and

WHEREAS, This comment inspired Theodor Seuss Geisel’s publisher, Bennett Cerf, to compile a list of 400 words that he felt were important, and he asked Mr. Geisel to cut the list to 250 words and use only those words to write a book that would excite children; and

WHEREAS, Using 220 of the words given to him, Mr. Geisel wrote *The Cat in the Hat*, which became the prototype for Beginner Books, the popular Random House series that combines engaging stories with outrageous illustrations and playful sounds to teach basic reading skills; and

WHEREAS, A few years later, Bennett Cerf bet Mr. Geisel \$50 that he couldn’t write an entire book using only 50 words, and from that challenge came the famous children’s book *Green Eggs and Ham*, which is familiar to almost everyone who has ever had contact with a child; and

WHEREAS, From that point on, Theodor Seuss Geisel became known as “Dr. Seuss,” and his philosophy that “Children want the same things we want: To laugh, to be challenged, to be entertained, and delighted” was the inspiration that would make him the best-selling author of children’s books in the world; and

WHEREAS, Brilliant, playful and always respectful of children, Dr. Seuss received the Pulitzer Prize in 1984 for his lifetime contribution to the education and enjoyment of America’s children and their parents; and

WHEREAS, Dr. Seuss died on September 24, 1991, but his legacy of children’s books will live forever as an inspiration to children everywhere to learn to read and to share in the laughter, enjoyment and knowledge that a book can provide; and

WHEREAS, In honor of Dr. Seuss and the joy of reading, the National Education Association has designated March 2, 2001, as “Read Across America” Day and has called upon every child to read with a caring adult on this day in honor of what would have been Dr. Seuss’s 97th birthday; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 2, 2001, is hereby recognized as “Read Across America” Day in Nevada in commemoration of Dr. Seuss’s birthday; and be it further

RESOLVED, That children and adults are encouraged to read a favorite book together on this date to share the joy of reading; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Elaine Lancaster, President of the Nevada State Education Association, and Ken Lange, Executive Director of the Nevada State Education Association.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Humke.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Gibbons, Dini, Cegavske, Anderson, Bache, Berman, Brown, Buckley, Carpenter, Chowning, Claborn, Freeman, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Ocegüera, Parks, Parnell, Price, Smith, Von Tobel and Williams:

Assembly Bill No. 267—AN ACT relating to the National Statuary Hall Collection; providing for the creation of a statue of Sarah Winnemucca for placement in the National Statuary Hall Collection in the United States Capitol; making an appropriation; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen de Braga, Price, Anderson, Arberry, Bache, Berman, Buckley, Claborn, Collins, Dini, Freeman, Gibbons, Giunchigliani, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Parks, Parnell and Smith; Senator McGinness:

Assembly Bill No. 268—AN ACT making an appropriation to White Pine County for the preparation of a plan for the development and management of tourism assets within the proposed Great Basin National Heritage Area; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Von Tobel, Collins, Price, Anderson, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, de Braga, Dini, Gibbons, Gustavson, Hettrick, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Smith and Tiffany:

Assembly Bill No. 269—AN ACT making an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources for use by Tule Springs Preservation, Inc. to restore the “Old Adobe” building at the Floyd R. Lamb State Park; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 45.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 50.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 52.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 167 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Senate Concurrent Resolution No. 10.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Commerce and Labor.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 18:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Collins—2.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Assembly Bill No. 100:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Collins—2.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Remarks by Assemblywomen Leslie and Smith.

Potential conflict of interest declared by Assemblywoman Smith.

Roll call on Assembly Bill No. 150:

YEAS—38.

NAYS—Hettrick, Marvel—2.

EXCUSED—Carpenter, Collins—2.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 151 and 210 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 13 and 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to The Cat in the Hat.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Broersma, Nicole Broersma and Sam Broersma.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 5, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 5, 2001

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by the Chaplain, Pastor Stanley Friend.

Father, let Your mercy be upon us, and let Your love be in our hearts. Guide us to know the truth in this life, and help us in the time of decision making. Lord, these leaders are assembled to express their good faith and willingness to serve the State of Nevada and the people they represent. Help them to achieve their task successfully according to their ability. Guide them to know Your will at all times. Fill their minds with useful knowledge. We pray this in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 6.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 2, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 19.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Neighbors:

Assembly Bill No. 270—AN ACT making an appropriation to the Science and Technology Regional Development Corporation for expenses related to the preconstruction planning of the Desert Space Station Science Museum to be located in Nye County; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Humke, Gibbons, Von Tobel, Bache, Beers, Dini, Goldwater, McClain, Mortenson, Neighbors, Price and Williams:

Assembly Bill No. 271—AN ACT relating to the training of drivers; requiring the state board of education to adopt regulations governing automobile driver education in public schools; requiring an instructor of a school for training drivers to complete certain training before his license as an instructor may be renewed by the department of motor vehicles and public safety; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 272—AN ACT relating to education; revising provisions governing the calculation of basic support of school districts to include a calculation for the maintenance and repair of school buildings and facilities; requiring that the money received from the additional calculation be placed in the county school district buildings and sites fund or a separate account; limiting the use of the money in the fund or account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 273—AN ACT making a supplemental appropriation to the State Department of Agriculture for shortfalls in the revolving account for agriculture working capital and the State Predatory Animal and Rodent Committee; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 274—AN ACT making an appropriation to the account for local cultural activities; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Marvel; Senator Rhoads:

Assembly Bill No. 275—AN ACT making an appropriation to Eureka County for the construction of a sidewalk along State Highway No. 780 to provide safe access for pupils walking to Eureka Elementary School; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 276—AN ACT relating to elections; providing in skeleton form for the conversion of the offices of mayor and city councilmen to partisan offices; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 277—AN ACT relating to tort actions; prohibiting the inclusion of any provision in an agreement to settle a tort claim or action against a governmental entity or an officer or employee thereof that makes the agreement confidential; providing that an agreement to settle such a tort claim or action is a public record; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carpenter, McClain, Nolan, Neighbors, Marvel, Anderson, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Humke, Koivisto, Lee, Leslie, Manendo, Mortenson, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Amodei, Wiener, Rawson, Jacobsen, McGinness and Townsend:

Assembly Bill No. 278—AN ACT relating to veterans; making appropriations for the establishment of the national memorial for World War II veterans and for the preservation and maintenance of the Nevada Veterans Center and Museum; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 6.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 19.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 84.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 167 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 12:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblymen Dini, Price and Buckley.

Roll call on Assembly Bill No. 151:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 210:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblymen Manendo and Beers.

Conflict of interest by Assemblyman Beers.

Roll call on Assembly Bill No. 167:

YEAS—40.

NAYS—None.

NOT VOTING—Beers.

EXCUSED—Freeman.

Assembly Bill No. 167 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 15; Assembly Concurrent Resolution No. 8.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 15.

Assemblyman Beers moved the adoption of the resolution.

Remarks by Assemblymen Beers and Goldwater.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Segerblom.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jenita Rodriguez.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Alan O'Neill.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Hansen, Karen Hansen, Doug Gross, Diane Sizemore, Sherry Black, Carol Stotz, Cody Acquistapace, Lucretia Allen, Steven Angus, James Bake, William Bassham, Callie Black, Willie Brewster, Trent de Braga, Drake Douglas, Scott Eckert, Josh Esposito, Whitnee Howell, Justin Jones, Crystal Lanterman,

Paige Leahy, Mandy Mazanek, Kelton McClanahan, Reid Orozco, Derek Sammaripa, Becca Sizemore, Dustin Van Reed, Rene' Williams, Zach Yesslith, Henriette Zoutomou, Ashley LaFontain, Keith Adams, Garrett Adams, Trent Blackwater, Kaylynn Bradley, Jonathon Brown, Mattie Jo Casey, Shannon Cromwell, Katy Durst, Eric Franklin, Travis Gent, Bobby Greer, Shayna Gross, Brandon Hooper, Bradley Kinseth, Ryan McKnight, Cody Meyrahn, Mireya Montero, Jeremy Norman, Shelly Rechel, Nichole Rothery, Russell Smith, Shane Smith, Emma Stotz, Vicki Tam, Rachel Vanderbeck, Isaiah Williams and T.J. Greene.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 6, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 6, 2001

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by the Chaplain, Pastor Stanley Friend.

Almighty God, Our Heavenly Father, send down upon those who hold office in this State the spirit of wisdom, charity, and justice; that with steadfast purpose they may faithfully serve in their offices to promote the well-being of all people; in Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 165, 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 252, 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 8.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Gibbons, Giunchigliani, Goldwater, Parks, Anderson, Buckley, Carpenter, Chowning, Collins, Freeman, Humke, Koivisto, Manendo, McClain, Neighbors, Ocegüera, Parnell, Price, Smith and Williams:

Assembly Bill No. 279—AN ACT relating to occupational disease; providing for the availability of industrial insurance benefits to providers of health care for exposure to certain contagious diseases; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hettrick; Senators Jacobsen and Amodei:

Assembly Bill No. 280—AN ACT making a contingent appropriation to the State Public Works Board for the construction of a Hi-Tech Learning Center on the campus of Western Nevada Community College in Douglas County; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 281—AN ACT making an appropriation to the Indian Springs Town Advisory Board for the replacement of recreational equipment at the Indian Springs Civic Center; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 282—AN ACT relating to peace officers; revising the circumstances under which an investigator may note the refusal of a peace officer to submit to a polygraphic examination in his report; eliminating the requirement that a peace officer who is the subject of an investigation of alleged misconduct submit to a polygraphic examination in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 283—AN ACT making appropriations to the Newlands Project Water Rights Fund and Truckee-Carson Irrigation District for certain expenses relating to water rights; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 284—AN ACT relating to air pollution; authorizing the establishment in certain counties of programs for the control of emissions from certain construction equipment and visibility standards for air quality; revising the provisions governing the deposit of administrative penalties collected in such counties for certain violations; providing in such counties for the control of emissions from heavy-duty motor vehicles that are powered by diesel fuel; including such heavy-duty motor vehicles in the compulsory inspection program for motor vehicles; clarifying certain provisions relating to the compulsory inspection program; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Parnell, Bache, Smith, Gibbons, Koivisto, McClain, Ocegüera and Parks:

Assembly Bill No. 285—AN ACT relating to the state personnel system; creating the committee on catastrophic leave to hear appeals from decisions of appointing authorities regarding the use of such leave; prescribing the powers and duties of the committee; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parnell, Brower, Dini, Gibbons, Hettrick, Koivisto, McClain and Parks:

Assembly Bill No. 286—AN ACT making an appropriation to Carson City for the creation of a team of personnel to serve as a central clearinghouse for mental health assessments and the coordination of services for the mentally ill; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Brower:

Assembly Bill No. 287—AN ACT making an appropriation to Washoe County School District for the support of the preschool program for non-English speaking children offered by The Children's Cabinet at Incline Village, Inc.; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Collins and Neighbors; Senator McGinness:

Assembly Bill No. 288—AN ACT making an appropriation to Lincoln County for the improvement of the facilities at the fairgrounds in Panaca and for the acquisition of land and improvement of the facilities at the fairgrounds in Caliente; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 289—AN ACT relating to workers' compensation; limiting the definition of "police officer" for the purposes of determining eligibility for workers' compensation and eligibility to elect to receive normal salary in lieu of workers' compensation for a period; limiting the definition of "police officer" for the purposes of determining whether a surviving spouse and surviving child of a police officer may elect to accept or continue coverage for certain benefits provided by a public agency or may elect to join or continue coverage under the public employees' benefits program; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 290—AN ACT relating to osteopathic medicine; revising the provisions governing the requirements for licensure as an osteopathic physician; revising the provisions governing the filing of a complaint against a practitioner of osteopathic medicine with the state board of osteopathic medicine; requiring a member of the board to review and investigate such a complaint; revising the fees that may be charged and collected by the board; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Claborn, Carpenter, Collins, Marvel, Neighbors, Anderson, Bache, Brown, de Braga, Humke, Lee, McClain, Mortenson and Parnell:

Assembly Bill No. 291—AN ACT relating to game tags; imposing an additional fee for game tags for the support of programs to control predators and protect wildlife habitat; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Angle and Hettrick:

Assembly Bill No. 292—AN ACT relating to liquefied petroleum gas; requiring certain dealers of liquefied petroleum gas to offer to sell or lease the tank and related equipment under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Williams, Arberry, Bache, Berman, Cegavske, Chowning, Gibbons, Giunchigliani, Gustavson, Hettrick, Humke, Lee, Manendo, Nolan, Ocegüera, Parnell, Price, Smith and Von Tobel:

Assembly Bill No. 293—AN ACT relating to libraries; requiring the board of county commissioners and the governing body of any city that is consolidated into the county library district to approve a proposal for the issuance of general obligation bonds for the consolidated library district; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 84 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 99 be taken from the Chief Clerk's desk and placed on the Second Reading File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Brenna Bynum, Daniel Carew, Carol Costley, Bianca Sciotto, Irene Jaquez, Joshua Johnson, Chelsea Davis, Audrey Mentzer, Carly Sweder, Denise Thompson, Jeffrey Dooley, Casady Raffanelli, Danielle Reynolds, Brian Aranda, Tyler Brown, Lindsay Martindale, Lauren Mattingly, Erin Bechtel, Megan Holtz, Darcy Shepard, Jina Yoo, Joshua Morris, Erin Snodgrass, Veronica Fairchild, Jessica Johns, Amy Yoscovitch, Marika Baren, Lindsay Duncan, Christopher Costa, Joey Ganser, Thomas Golding and Beau Walker.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to T.J. Ott and Fern Crotts.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Segerblom.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Shari Buck.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to John L. Wagner.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Nelson Teran, Hartwell Ku, Reggie Reese, Paul F. Guercio and John Hoeft.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Kesterson, Amanda Lucero, Joseluis Marquez, Amber Martinez, Ashley Martinez, Justin Miller, Megan Miller, Lisa Oswald, Jessica Penman, Rikki Perkins, Jerrick Robbins, Matthew Rock, Tiffany Rumsey, Michael Russell, Skyler Sudweeks, Tylor Thompson, Miranda VanVliet, Krista Varley, Rachael Wadley, William Wadley, Matthew Work, Megan Wooley, Tammy Miller, Leopoldo Adaoag, Elizabeth Anderson, Nick Barlow, Carrie Bass, Daniel Bell, Melissa Boles, Mitchell Brenner, Nicholas Brophy, Rachel Brown, Ryan Chase, Steven Chase, Leroy Chase, Jake Clove, Lauren Day, Jenna Deblak, Eric Doyel, Ashley Drury, Ashley Farmer, Amanda Gibbs, Jeri Hendricks, Doug Gougar, Emily Hinman, Renee Hair, Spencer Hutchings and Amanda Jones.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March, 7, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:45 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 7, 2001

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Williams, who was excused.

Prayer by the Chaplain, Pastor Stanley Friend.

Father, You are the fountain of wisdom, whose will is good and gracious, and whose law is truth: I ask You to guide and bless our leaders in the Legislature of this State, that they may enact such laws that will please You, to the glory of Your Name and the welfare of the people of this State. In Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Tiffany, Smith, Berman, Gibbons, Cegavske, Anderson, Angle, Arberry, Bache, Beers, Brower, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Von Tobel and Williams; Senators Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 9—Commending the National Association of Women in Construction and declaring March 4 through March 10, 2001, as Women in Construction Week in Nevada.

WHEREAS, The National Association of Women in Construction was founded in Fort Worth, Texas, in 1955 and is an international association that promotes and supports the advancement and employment of women in the construction industry and currently serves

approximately 6,500 members in more than 200 chapters in the United States and Canada, as well as affiliates in Australia, New Zealand and South Africa; and

WHEREAS, The National Association of Women in Construction Education Foundation offers certification programs, a wide range of publications and training tools, home-study courses, and several programs for children from kindergarten through twelfth grade that introduce students to careers and opportunities in construction in a positive and fun manner while presenting challenges in math, science and design; and

WHEREAS, The Founders' Scholarship Foundation of the National Association of Women in Construction awards scholarships each year to students in college who are pursuing construction-related studies and in the past 5 years has awarded more than \$300,000 in scholarships to both female and male students; and

WHEREAS, The National Association of Women in Construction works in partnership with other industry associations and governmental entities to promote training among women in the skilled trades, to cooperate in educational programs and to promote businesses owned by women; and

WHEREAS, The Crystal Vision Award of the National Association of Women in Construction, according to Susan Levy, founder of the award and past national President of the Association, "identifies and honors the men and women who see beyond the invisible barriers that impede the progress of women, especially in nontraditional fields," and who "demonstrate the courage to act on their vision by gradually breaking down those barriers through policy change, setting precedent and taking risks"; and

WHEREAS, Local chapters of the National Association of Women in Construction are made up of enthusiastic women working in construction who are excited about the industry and translate their enthusiasm into involvement in various community projects; and

WHEREAS, The Las Vegas Chapter, Number 74, chartered in 1964, has presented over \$150,000 in scholarships to students in the Las Vegas area and has more than 60 members who are active in education regarding the construction industry and are working to raise awareness in the community of the role of women in construction; and

WHEREAS, The Sparks Chapter, Number 361, chartered in July of 2000 with 31 members, is beginning their mission by recognizing the need to embrace every opportunity to become a productive association for the Reno-Sparks community; and

WHEREAS, The fourth annual Women in Construction Week, sponsored by the National Association of Women in Construction is scheduled for March 4-10, 2001, and is designed to recognize the strides and contributions women have made in the construction industry, to increase the visibility of women in this industry and to look ahead to further realization of their potential in the future; and

WHEREAS, The theme of this year's Women in Construction Week is "Under Construction...Building for Tomorrow" and was selected to describe the current status of women in the industry, to bring awareness to the need for further advancement and acceptance, and to promote the conviction that women are taking an active role in the industry by helping to build the future; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature do hereby commend the National Association of Women in Construction for its efforts and programs that promote and support the advancement, visibility and pride of women in the construction industry; and be it further

RESOLVED, That March 4 through March 10, 2001, is hereby declared as Women in Construction Week in Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Cindy Crawley, CIT, President of the National Association of Women in Construction, Patricia Jacobs, President of Las Vegas Chapter Number 74 and Anne Thompson, President of Sparks Chapter Number 361.

Assemblywoman Tiffany moved the adoption of the resolution.

Remarks by Assemblymen Tiffany, Price and Carpenter.

Resolution adopted unanimously.

Assemblywoman Tiffany moved that all rules be suspended and that Assembly Concurrent Resolution No. 9 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Bache:

Assembly Bill No. 294—AN ACT relating to juveniles; revising the provisions pertaining to the sealing of juvenile records; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 295—AN ACT relating to elections; providing that eligible voters who are elderly or disabled must not be denied the right to participate in elections and to vote privately and independently; requiring the secretary of state and each county and city clerk to provide certain information, instructions and materials, including ballots, in alternative formats that can be used by elderly or disabled persons; requiring all polling places to be accessible to and equipped for use by elderly and disabled voters; excepting disabled voters from certain requirements regarding the voting of absent ballots; requiring registration and voting instructions to be posted at certain locations; requiring absent ballots to be printed in at least 12-point type; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Berman, Gibbons, Manendo, Beers, Ohrenschall, Angle, Bache, Brower, Carpenter, Cegavske, Chowning, Claborn, Collins, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Lee, Leslie, Marvel, McClain, Mortenson, Nolan, Ocegüera, Parks, Parnell, Price, Smith, Tiffany, Von Tobel and Williams; Senators Schneider, Carlton, Amodei, Shaffer and Wiener:

Assembly Bill No. 296—AN ACT relating to gaming; authorizing the Nevada gaming commission to adopt regulations governing the licensing and operation of interactive gaming if the commission first makes certain determinations; providing that a license to operate interactive gaming may be issued only to a resort hotel and that gross revenue received from interactive gaming is subject to taxation in the same manner as gross revenue received from other games; prohibiting a person from operating interactive gaming until the commission adopts regulations and unless the person procures and maintains all licenses required pursuant to the regulations; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Parnell, Williams, Leslie, Goldwater, Arberry, Bache, Berman, Buckley, Chowning, Claborn, Collins, Dini, Giunchigliani, Humke, Koivisto, Manendo, Ocegüera, Ohrenschall, Parks, Perkins and Smith:

Assembly Bill No. 297—AN ACT relating to education; increasing the minimum number of school days that the board of trustees of a school district is required to schedule and provide; revising provisions governing apportionments from the state distributive school account to provide money to school districts for professional development; requiring the board of trustees of each school district to establish a program to provide enhanced compensation to employees of the school district who achieve outstanding development in their profession or employment; making various changes regarding the evaluation and admonition of educational personnel; authorizing the transfer of certain sums of money from the state distributive school account to continue the operation of the regional training programs for the professional development of teachers and administrators; making an appropriation for the programs to provide enhanced compensation; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Collins (by request):

Assembly Bill No. 298—AN ACT relating to domestic relations; providing for the establishment of a registry of putative fathers; requiring the division of child and family services of the department of human resources to adopt regulations to administer the registry of putative fathers; revising the provisions governing the adoption of children of putative fathers; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 299—AN ACT relating to elections; revising the period within which county and municipal initiative and referendum petitions must be filed; providing for the appointment of two committees to prepare arguments for and against county and municipal ballot questions in certain counties and cities; revising the provisions relating to the appointment and duties of such committees; requiring the county clerk and city clerk to consult with certain persons before determining whether to reject certain statements in arguments and rebuttals prepared by such committees;

requiring the county clerk to perform certain duties of the registrar of voters in certain counties; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 300—AN ACT relating to governmental administration; creating a revolving fund for the construction, repair and renovation of school buildings and facilities; authorizing boards of trustees of school districts to apply to the director of the department of administration for a loan or other financial assistance from the revolving fund; making appropriations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 7, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 16.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 16.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Anderson.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time and ordered to third reading.

Assembly Bill No. 99.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 35.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2 or NRS 295.121 or 295.217, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to

submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk within the designated territory on or before the third Monday in July preceding the election.

(b) At a primary election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk within the designated territory on or before the third Monday in May preceding the election.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk at least 60 days before the election.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide a copy of the question, including an explanation of and arguments for and against the question, to the city clerk at least 60 days before the election.

2. ~~{The requirements of subsection 1 do not apply to any}~~ A question *may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of article 19 of the constitution of the State of Nevada , or pursuant to the provisions of chapter 295 of NRS or any other statute* ~~{to be submitted if proposed after the dates specified.}~~ *except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.*

3. A county or city clerk may charge any political subdivision, public or quasi-public corporation or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation and arguments on the ballot.”.

Amend the title of the bill, second line, after “held;” by inserting: “clarifying the period in which a copy, explanation of and arguments for and against certain ballot questions must be submitted to the county or city clerk before an election;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding elections held by local governments. (BDR 31-418)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced that pursuant to Assembly Standing Rule No. 1, Section 2, subsection (d), Speaker Emeritus Dini would act as presiding officer.

Speaker Emeritus presiding.

Assembly Bill No. 165.

Bill read second time and ordered to third reading.

Assembly Bill No. 181.

Bill read second time and ordered to third reading.

Assembly Bill No. 252.

Bill read second time and ordered to third reading.

Assembly Bill No. 257.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 84.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 84:

YEAS—41.

NAYS—None.

EXCUSED—Williams.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker Emeritus declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 7, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 6.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 6.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblymen Perkins, Parks, Ohrenschall, Mortenson, Gibbons, Carpenter, Nolan and Goldwater.

Roll call on Senate Joint Resolution No. 6:

YEAS—40.

NAYS—None.

EXCUSED—Williams.

ABSENT—Angle.

Senate Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker Emeritus declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Collen Welsh, David Kearney, Loreen Vasquez, Cindy Gil-Blanco, Dawn Kerr, Anita Moore, Ron Welty, Steffani Aragon, Tara Arnold, Tyler Bannister, David Bell, Cameron Brennan, Conrad Burbank, Luke Carrico, Jake Castillo, Justin Cotton, Karla Dominguez, Ashley Ellis, Brenda Everling, Alexandra Feroah, Peter Fromherz, Maxwell Gevedon, Amber Gibson, Alejandro Gil-Blanco, Kathryn Guinto, Christopher Gurries, Jonathan Kerr, Leslie Masterpool, Cody McCargar, Joshua McCarthy, Christopher McPherson, Ryan Mirch, Krysta Moore, Brianna Olds, Andrew Peterson, Christopher Salas, Heather Sanders, Zachary Turner, Jonathan Wagoner, Michael Welty, Lucy Rosenow, Sandy Isham, Robert Howard, Shelly Anderson, Claran Casbarro, David Elliott, Patricia Elliott, Aida Funk, Sylvia Montalbo, Maria Schaefer, Barbara Vicks, Sally Hedler, Faith Allen, Lisa Zabalegui, Kim Powers, John Powers, James Allen, Jay Anderson, Sonya Arnett, Amy Brandenburg, Calli Brennan, Markus Caligdong, Ginno Carreon, Nicole Casbarro, Brandee Daane, Bonnie Elliott, Janaia Frazier, Carina Funk, Benjamin Gurries, Alexandria Gurule, Joan Howard, Sierra Kerr, Kristie Kirkbride, Kaitlin Klein, Michael Marsala, Kyle Martinmaas, Michael Montalbo, Jason Powers, Lucas Proctor, Justin Reyes, Jessica Sanders, Jonathan Schaefer, Natasha Supancheck, Samantha Vial, Sarah Vicks, Rachel Vosburg, Aitor Zabalegui, Marcela Courtney, Rosie McPherson, Tess Garcia, Gary Garms, Toni Garms, Bob Dohr, Jil Dohr, Mary Ann Gevedon, Linda Anderson, Polly Fraser, Laurie Laguna, Connie Martinmaas, Jill Kopicko, Irene Stambaugh, Debbie Davis, Trevor Anderson, Jesse Angel, Natalie Best, Caitlin Brennan, Christopher Carson, Dominic Casbarro, Jaclyn Davis, Joshua Dear, Guia Delprado, Billy Dohr, Luviginna Dominquez, Shanea Evans, Mikki Fraser, T.J. Garcia, Kari Garms, Therese Genio, Alexander Gevedon, Aaron Gibson, Kelsey Gurries, Raymond Gurries, Christina Koehler, Matthew Kopicko, Holly Laguna, Jacob Martinmaas, Shannon McPherson, Todd Mowry, Alanna Pabon, Jess Peterson, Nicole Stambaugh, Stephanie Turner and Adam Wagoner.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Padgett.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Kirby Burgess and Dan Prince.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Harris, Nancy Eaton, Esperanza Stoll-Thompson, Ginger Fausett, Cheryl Blomstrom and Christine Hartman.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 8, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 8, 2001

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Stanley Friend.

Father, grant to this Assembly wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve You and the people of Nevada. Bless the leaders of our State, that we may be a people at peace among ourselves and a blessing to the other States in our Union, in Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 9, 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 266 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 7, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 78; Senate Joint Resolution No. 11 of the 70th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 49.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Lee, Perkins, Collins, Gustavson, Gibbons, Anderson, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Price, Tiffany and Von Tobel; Senators Rawson, Titus and Schneider:

Assembly Joint Resolution No. 6—Urging the Nevada Congressional Delegation to support the release of property in Clark County controlled by the Bureau of Land Management for the development of a regional shooting sports park.

Assemblyman Lee moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 11 of the 70th Session.

Assemblywoman Buckley moved that the resolution be referred to the Concurrent Committees on Constitutional Amendments and Taxation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Lee:

Assembly Bill No. 301—AN ACT relating to woolen products; repealing provisions that require a manufacturer or seller of products containing or purporting to contain wool to label those products; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 302—AN ACT relating to Oriental medicine; revising the requirements for licensure as a doctor of acupuncture or a doctor of Oriental medicine; revising the requirements for licensure as an assistant in acupuncture or an assistant in Oriental medicine; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Chowning, Parks, de Braga, Ohrenschall, Manendo, Anderson, Arberry, Bache, Beers, Berman, Brown, Buckley, Cegavske, Claborn, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Parnell, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Bill No. 303—AN ACT making appropriations for support of the Southern and Northern Nevada Writing Projects and for support of nonprofit service agencies in Clark County that offer homeless prevention assistance; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Brower:

Assembly Bill No. 304—AN ACT relating to insurance; limiting the amount of money that certain resident agents may receive as a commission for countersigning a policy of insurance; providing that certain policies, endorsements or bonds may be countersigned by the use of a digital signature; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Cegavske, Gustavson, Angle, Berman, Brown, Carpenter, Chowning, Claborn, Collins, Hettrick, Lee, Leslie, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany and Von Tobel; Senators Amodei and O'Donnell:

Assembly Bill No. 305—AN ACT relating to crimes; prohibiting video voyeurism and distribution of a product of video voyeurism; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 306—AN ACT relating to crimes; revising the provisions concerning the interception and disclosure of wire, radio or oral communications; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 307—AN ACT making an appropriation to the Keystone Academy for costs relating to its programs; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Tiffany, Cegavske, Arberry, Beers, Berman, Brower, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, Freeman, Gibbons, Hettrick, Koivisto, Lee, Leslie, Manendo, Marvel, Mortenson, Neighbors, Parks, Parnell, Smith and Von Tobel; Senator Wiener:

Assembly Bill No. 308—AN ACT relating to juveniles; revising the provisions concerning the waiver by juveniles of their right to counsel; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 49.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 44.

Amend sec. 2, page 1, line 8, by deleting "*election*." and inserting: "*election held pursuant to NRS 293.12755*."

Amend sec. 2, page 1, by deleting lines 11 through 14 and inserting:

“majority of the voters approve the question, the effective date of the withdrawal is the commencement of the fiscal year immediately following the general election at which the question of withdrawal is approved. The ordinance that had been adopted by the withdrawing political subdivision providing for the merger is void on the effective date of the withdrawal.”.

Amend sec. 2, page 2, line 9, by deleting “election.” and inserting: “election held pursuant to NRS 293.12755.”.

Amend sec. 2, page 2, by deleting lines 11 through 14 and inserting: “department, the effective date of the dissolution is the commencement of the fiscal year immediately following the general election at which the question of dissolution is approved. The ordinances that had been adopted by the participating political subdivisions providing for the merger are void on the effective date of the dissolution.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 14:

YEAS—42.

NAYS—None.

Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 99.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 99:

YEAS—42.

NAYS—None.

Assembly Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblymen Brower, Goldwater, Humke, Tiffany, Hettrick, Beers and Buckley.

Assemblymen Freeman, Von Tobel and Bache moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 165.

Roll call on Assembly Bill No. 165:

YEAS—42.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblymen Parnell and Dini.

Roll call on Assembly Bill No. 181:

YEAS—42.

NAYS—None.

Assembly Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 252:

YEAS—42.

NAYS—None.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Roll call on Assembly Bill No. 257:

YEAS—42.

NAYS—None.

Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 309—AN ACT relating to industrial insurance; repealing the provisions that require the commissioner of insurance to assign an actuary to review the establishment of certain rates of assessment; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 310—AN ACT relating to landscape architecture; designating the board of landscape architecture as the state board of landscape architecture; requiring the board to maintain a record of each certificate of registration issued or renewed by the board; revising the requirements for the issuance or renewal of a certificate of registration; providing for the issuance of a certificate to practice as a landscape architect intern; providing immunity from a civil action for a person who furnishes information to the board under certain circumstances; authorizing the board to adopt regulations requiring each holder of a certificate of registration to complete a course of continuing education as a condition for the renewal of his certificate of registration; revising the qualifications of the members of the board; revising the fees collected by the board; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 19.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 19.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Gibbons and Neighbors.

Assemblyman Collins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Mr. Speaker, it certainly is an honor to be able to speak on this resolution. Jack McCloskey was a friend of mine for many, many years. I first met Jack about 1945, when I was an altar boy in Yerington. Now, how did we end up in Hawthorne? Well, Hawthorne didn't have a priest during the war, it only had a mission from the Yerington church. On Saturday nights, the priest from Yerington and two altar boys would go to Hawthorne and spend the night at Jack McCloskey's. Pauline would cook us a nice dinner and we would hear Jack pontificate a little bit about world politics with the priest. That was my first encounter with him. We did that for a couple of years—going over there and putting on the 6:00 mass in Hawthorne. That was pretty tough on a 13-year old high school kid. Those visits began a long friendship that lasted until now.

If you look through the statutes, look up the statutes having anything to do with printing and the protection of the printing industry and small printers. Chances are Jack had a hand in them. The small newspapers were for many years the lifeblood of rural Nevada. They were in a place where the politicians wanted to go to, all in order to discuss the political world with the editors of these small newspapers.

If anyone introduced a bill to repeal one of those protective laws—like public printing—soon Jack McCloskey and Walter Cox would be on their way. They were two old timers, Walter being from the Mason Valley News in Yerington. They would show up on the scene immediately. Sometimes I think people introduced bills on purpose to bring Jack and Walter here. When I first served—I was the chair of Government Affairs for about 10 years—I think we introduced a lot of those bills on purpose. They would come, “Well, Joe, what is going on with this bill? You know, we’ve got to kill it.” There was no saving the bill or working on it, the main idea was to just kill it. Those were the orders from those two old timers. They were a pair of characters.

There are a thousand stories that you could tell about Jack. He had that column called “Jasper” in the “Mineral County Independent.” Of course, that forced me to purchase that newspaper about 20 years ago. I needed one more newspaper like I needed a hole in the head, but I had to buy “Jasper” because I had to see what he was saying about me, especially on the war over water for Walker Lake.

We always had a nice, friendly relationship. We would visit him. My close friend Marty Bibb, who used to do campaigns for me, would go with me to see Jack. We had a ritual: we’d talk to Jack and then we would go over to the El Cap’ for lunch, and then to Joe’s Tavern for a glass of wine. That was the usual ritual and sometimes the glass of wine at Joe’s ended up to be a little later than two or three in the afternoon if we stayed for dinner there.

Jack’s family is wonderful. His wife, Pauline, is a wonderful lady. Unfortunately, she can’t be here today. There are so many fond memories of Jack, a man who was a real honest person, who did a lot of things for the State of Nevada and whose counsel was sought by every politician that ever ran statewide. I think we’ve lost a real true Nevadan with a lot of history. I would love to have his memory on a tape and the stories that he could tell. You could talk to him and he would say, “Well in 1933, this person was the governor.” You know, I couldn’t even remember who the governor was in 1933, but he would know. He’d be able to recollect that “this incident happened and that incident happened.” It was a world of knowledge that we’ve lost with his demise. Our state is a lot better off because of this fine gentleman and what he did to keep the politics straight in this state and what he did to help all the residents of our state.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support in honoring Jack McCloskey’s life. He was a wonderful guy, a wonderful friend, someone I talked to quite often. I remember the first time I met him. I had heard about this big, powerful newspaper guy and all of a sudden he comes out and he is in these overalls and blue jeans. He was a very simple man, but I’ll tell you what, he had a very caring and compassionate heart for Nevada and Nevadans and for making sure that those in political office did the right thing. He would expose people if they didn’t. I know his partner was named Scoop and I think in the old days he was probably named Snoop. Every time he would write an article and it didn’t make sense to me, I would call him up and tell him what I thought. He would go, “I’m a boy from Tonopah, there I lived with Ma and Pa, high up on a hill somewhere, but their making moonshine still, and I’m just Jack McCloskey.”

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. I also rise in support of SCR 19 and echo the comments that have been made on the floor. I had the long time pleasure of knowing Jack for many, many years. Usually, when he came through Hawthorne, we would always sit down and have coffee and kind of go through the same ritual that my colleague from District 38 described. What I remember the most about Jack was his fantastic memory. You would mention something and he would say, “Let’s see, that happened in the summer of 1938 . . .,” and he would name who it was. It was just absolutely something.

He was never bashful about calling if he had a bill that he either supported or didn’t support. You had to be careful, too, because anything you said was liable to end up in the paper. He was really great that way.

Before we went to the 120-day session, one of the things he would say was, “If you would knock off all those resolutions you are passing up here all the time, you would get out of there before all those days.” Well, two years ago my colleague from District 38 and I were able to get a resolution through the Assembly. I think it was on his birthday at the time. We went down to Hawthorne with Marty Bibb and we all ended up with our pictures in the paper. All that stuff

about “boy you are wasting all your time with those resolutions” was forgotten. He was very proud to get that resolution. In closing I will say I have lost a great friend and so has Nevada.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 8; Senate Concurrent Resolution No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Joye Robertson, Jacob Robertson and Tiana Robertson.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Logan Waite, Cory Waite and Shawn Waite.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Coulter and Nicole Card.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Hunsaker and Michael Radde.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Sherman and Paul Sherman.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Gazaway, George Gazaway, Patrick Gazaway, Jean Abel, Jennifer Cole, Jason Cole, Father John Bane, Betty Christenson, Merrill Christenson, Mike Mongelli, Leslie Ricks, Maria Glanzmann, Camille Glanzmann, Jennifer Buck and Peri Jo Buck.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Whitaker and Brent Harmon.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Stevens, Joshua Stevens and Melissa Stevens.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Brown and Andrea Styer.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Carole Ann Hooks, Katherine Hooks, Tristan Hooks and Alexander Hooks.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Nesbit and Mason Nesbit.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, March 9, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-THIRD DAY

CARSON CITY (Friday), March 9, 2001

Assembly called to order at 10:46 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Pastor Stanley Friend.

The Lord bless you and keep you; the Lord make His face shine on you, and be gracious to you; the Lord lift up His countenance on you, and give you peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 152, 155, 200, 201.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Anderson, Bache, Parnell, Gibbons, Arberry, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Goldwater, Lee, Leslie, Manendo, McClain, Neighbors, Ocegüera, Ohrenschall, Parks, Perkins, Price, Smith and Williams:

Assembly Bill No. 311—AN ACT relating to educational personnel; revising provisions governing the determination of salaries and the purchase of retirement credit for certain teachers; revising provisions governing sick leave of employees of a school district; authorizing the board of regents of the University of Nevada to administer a program of loans for students who are enrolled in teaching programs; providing for the waiver of those loans by the board of regents under certain circumstances; making an appropriation for the loan program; making an appropriation to reimburse certain costs incurred by licensed teachers in obtaining endorsements in certain fields of specialization; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Gibbons, Berman, Brown, Cegavske, Chowning, Claborn, Freeman, Gustavson, Hettrick, Humke, Mortenson, Nolan and Smith:

Assembly Bill No. 312—AN ACT relating to the Airport Authority of Washoe County; requiring the authority to comply with the bidding requirements of the Local Government Purchasing Act before entering into certain concession agreements; prohibiting a former member of the board of trustees of the authority from entering into or submitting a bid for a concession agreement under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Oceguela, Gibbons, Goldwater, Buckley, Manendo, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Amodei, Carlton, Titus, Porter, Care, Coffin, Jacobsen, James, Mathews, McGinness, Neal, Raggio, Rawson, Rhoads, Schneider, Shaffer, Washington and Wiener:

Assembly Bill No. 313—AN ACT relating to occupational diseases; creating a conclusive presumption that hepatitis is an occupational disease for certain salaried firemen and emergency medical attendants; establishing requirements of eligibility for the statutory presumption; requiring the testing of such employees for the presence of hepatitis; and providing other matters properly relating thereto.

Assemblyman Oceguela moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 314—AN ACT relating to state financial administration; making various changes relating to the collection of debts owed to the state; increasing certain fees and charges; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parks, Manendo, Arberry, Gibbons, Ohrenschall, Anderson, Bache, Beers, Buckley, Chowning, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Leslie, McClain, Mortenson, Neighbors, Ocegüera, Perkins, Price, Smith and Williams:

Assembly Bill No. 315—AN ACT relating to traffic laws; increasing the penalties for a first or second offense of driving under the influence of intoxicating liquor when the concentration of alcohol in the blood or breath of the offender is 0.18 or more; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 316—AN ACT relating to substances causing impairment; providing that once a person has been convicted of a felony for operating a vehicle or vessel while under the influence of alcohol or a controlled substance any subsequent violation is treated as a felony; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 152.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 155.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 200.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 201.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 42.

Amend sec. 3, page 3, line 4, by deleting “I” and inserting “1”.

Amend sec. 3, page 3, line 9, by deleting “II” and inserting “2”.

Amend sec. 3, page 3, line 14, by deleting “III” and inserting “3”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 46.

Amend the resolution page 2, between lines 36 and 37, by inserting:

“RESOLVED, That the Nevada Legislature hereby urges Congress to enact the National Collegiate and Amateur Athletic Protection Act of 2001, sponsored by United States Senators John Ensign and Harry Reid and United States Representatives James Gibbons and Shelley Berkley and others, thereby enhancing the ability of the nation to identify and address illegal wagering on college sports; and be it further”.

Amend the title of the resolution, third line, by deleting “form.” and inserting: “form and to enact the National Collegiate and Amateur Athletic Protection Act of 2001.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Urges Congress to refrain from enacting measure to repeal ability of Nevada to license and regulate sports wagering in its current form and to enact National Collegiate and Amateur Athletic Protection Act of 2001. (BDR R-983)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Assemblyman Dini requested that the following remarks be entered in the Journal.

Declaration

WHEREAS, The Shrine of North America was founded in 1872 by a group of 13 men belonging to the Masonic Order in order to provide fun and fellowship for its members, and through the growth of its membership has become a philanthropic organization dedicated to helping others through the establishment of specialized hospitals that have provided expert medical care at no charge to more than 600,000 children; and

WHEREAS, The Shrine of North America is an international fraternal organization with over 525,000 members and 191 Shrine temples located throughout the United States, Canada, Mexico and Panama, consisting of many special units, including the motor corps, band and clown units, and the Royal Order of Jesters, all dedicated to providing activities to help support the Shrine's philanthropy; and

WHEREAS, The Royal Order of Jesters, a subsidiary of members of the Nobles of the Mystic Shrine, was founded in 1911 by a group of Shriners on their way to Honolulu for a Shrine visitation; and

WHEREAS, The Royal Order of Jesters is an exclusive group of men who enjoy life and have fun, consisting of over 26,000 members, with nearly 200 courts existing in various cities in the United States; and

WHEREAS, Membership into the Royal Order of Jesters is by invitation only and the member must have been a supporter of the community or active in other areas of the Shrine of North America; and

WHEREAS, Travel to various parts of the United States is among the many activities enjoyed by members of the Royal Order of Jesters, and the members of the Jesters share a spirit of camaraderie, deep friendship, and good fellowship; and

WHEREAS, The Royal Order of Jesters have two courts in Nevada, Reno Court number 33 and Las Vegas Court number 181, full of members dedicated to having fun and spreading Mirth and Joy; now therefore be it

DECLARED, by the MEMBERS of the Nevada State Assembly, That the Royal Order of Jesters are encouraged to continue participating in activities that encourage fun, enjoyment, and companionship; and be it further

DECLARED, That the members of the Assembly of the State of Nevada hereby express a hearty welcome to the Royal Order of Jesters, Reno Court 33 and Las Vegas Court 181, and the Shrine of North America in their endeavors to provide fun and fellowship for its members and to bring necessary medical treatment to children across the United States.

Declared by the Assembly March 9, 2001.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:09 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 9.

Bill read third time.

Remarks by Assemblywomen Parnell and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 9:

YEAS—28.

NAYS—Angle, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Gustavson, Hettrick, Marvel, Nolan, Tiffany, Von Tobel—13.

EXCUSED—Arberry.

Assembly Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 202:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Collins:

Assembly Bill No. 317—AN ACT relating to library districts; removing a tax imposed by a board of county commissioners for support of a consolidated library district; authorizing the board of county commissioners in a county in which a consolidated library district is created to adopt a budget for certain expenses of the consolidated library district and to appropriate money to the consolidated library district; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 318—AN ACT relating to education; requiring the boards of trustees of school districts and the governing bodies of charter schools to exempt pupils from taking the high school proficiency examination upon the request of a parent or guardian; requiring the state board of education to prescribe alternative criteria for the evaluation of pupils who are exempt from the examination for receipt of a high school diploma; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Giunchigliani, Anderson, Bache, Gibbons, Manendo, Arberry, Berman, Buckley, Cegavske, Claborn, Collins, de Braga, Dini, Freeman, Goldwater, Koivisto, Leslie, McClain, Mortenson, Neighbors, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Smith and Williams:

Assembly Bill No. 319—AN ACT relating to education; requiring a public school that receives a designation as demonstrating need for improvement to administer a reading comprehension examination to certain pupils enrolled at the school; revising provisions governing the reports of accountability prepared by boards of trustees of school districts; designating the types of diplomas that may be issued to pupils; authorizing a parent or legal guardian of a pupil to request an exemption for the pupil from the high school proficiency examination; revising provisions governing the administration of the achievement and proficiency examinations; authorizing drivers of school buses to remove the privilege of disruptive pupils to ride a school bus; requiring boards of trustees of school districts to establish certain committees to review the removal of the privilege of a pupil to ride a school bus; revising provisions governing the temporary alternative placement of pupils; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Bache, Buckley, Dini, Leslie, Neighbors, Parks, Smith, Hettrick, Humke, Tiffany and Von Tobel as a Select Committee on Energy, with Assemblyman Bache to serve as Chairman.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. I rise to mention, as many of you probably know, the State Department of Education recently announced the tenth grade Terra Nova scores from this past fall. I am proud to report that three high schools in the state were given a high achievement rating. All three were from Washoe County. In fact, one, Incline High School, was in my district. I want to recognize Incline for its efforts. As we all know, a lot of hard work goes into achieving that kind of rating—hard work on the part of students, staff, teachers, parents, and the K-16 Council. I simply want to recognize their efforts on the floor today.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 78; Assembly Concurrent Resolution No. 9; Senate Joint Resolution No. 6; Senate Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to George O'Keefe, Grant Birmingham, Ann Birmingham, Robert Anderson, Lynn Anderson, John Carr, Margery M. Carr, Bob Walker, Billie Walker, Ed Nelson, Deanna Nelson, Al McVey, Dollie McVey, Bud Glatthar, Jim Schlink, Emmett E. Moss, Jack A. Podesta, Ted Meredith, C. Michael Knapp, Mike Pintar, Jack Barton and Jeannette Barton.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Harvey, Forest Lawson and Shirley Lawson.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Schofield.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Marcos Franco, Steven Doyle and Richard Gammick.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne Ramos and David B. Osman.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Gerardina Rodriguez, Jonathan Anderson and Misty Bowman.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 12, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:36 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 12, 2001

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, we give You thanks for this beautiful day, for Your abundant goodness and mercies that are new every morning. We ask for Your blessings on this body of legislators, their staff, and families. May You, Lord, give to each assemblyperson wisdom and understanding to effectively and rightly serve the people of Nevada. I pray in the Name of my Savior, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 9, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 199.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Buckley:

Assembly Bill No. 320—AN ACT relating to the department of motor vehicles and public safety; requiring the department to retain for a specified period the originals of certain documents containing the disclosure of the mileage of a motor vehicle; revising provisions regarding the bonds required for certain licensees; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Mortenson, Arberry, Parks, Giunchigliani, Berman, Anderson, Bache, Beers, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Hettrick, Humke, Koivisto, Lee, Manendo, McClain, Neighbors, Nolan, Ocegüera, Ohrenschall, Perkins, Price, Smith and Von Tobel; Senators Coffin, Rawson, Schneider, Neal, Jacobsen and Shaffer:

Assembly Bill No. 321—AN ACT making an appropriation to the Department of Museums, Library and Arts for the support of the Nevada Ballet Theatre, Inc., for its cultural and educational outreach program for schools, dance students and theater audiences; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 322—AN ACT relating to industrial insurance; limiting payment for subsequent injuries from the subsequent injury fund for private carriers to injuries that occur before a certain date; eliminating the subsequent injury fund for private carriers when it is determined that no claims have been filed against the fund by a certain date or that all such claims have been denied or that all such claims that were accepted have been paid in full; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Chowning (by request):

Assembly Bill No. 323—AN ACT relating to peace officers; providing that certain statements made by and certain information provided by a peace officer during an interrogation or hearing pertaining to the officer's alleged misconduct is confidential and is not admissible in a subsequent civil or criminal proceeding; providing that certain information obtained from a peace officer by the peace officer's representative is confidential and is not admissible in a subsequent civil or criminal proceeding; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 199.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goldwater, Dini, Cegavske, Parks, Manendo, Berman, Buckley, Freeman, Lee and Smith:

Assembly Bill No. 324—AN ACT relating to financial institutions; creating the mortgage industry commission; prescribing the powers and duties of the mortgage industry commission and its executive director; transferring the responsibilities of regulating mortgage brokers, mortgage agents and mortgage companies from the commissioner of financial institutions to the mortgage industry commission and its executive director; revising various provisions relating to the regulation of mortgage brokers and mortgage agents; revising provisions concerning certain powers of attorney; eliminating the advisory council on mortgage investments and mortgage lending; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Goldwater and Parks:

Assembly Bill No. 325—AN ACT relating to property; revising the provisions concerning the rule against perpetuities; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 180.

Bill read third time.

Remarks by Assemblyman Bache.

Assemblyman Bache moved that Assembly Bill No. 180 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 183:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Anderson and Buckley.

Roll call on Assembly Joint Resolution No. 2:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Assembly Joint Resolution No. 5:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Gina Anderson.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Clark,

Meegan Garcia, Kalin Johnson, Jessica Keena, Andrea Styer, Reana Bye, Megan Gonda, Amanda Green, Theresa Herrera, Amanda Izatt, Alyssa Jonas, Jenny Kamen, Casey Lutz, Alyssa Poole, Allison Root, Kristina Sewell, Alyssa Sferrazzo, Ashley Zundel, Amanda Wenzek, Erin Elliott, Tiffany Echler, Elysia Wells, Leslie Barstow, Amanda Brown, Allison Brown, Ashlea Clark, Christi Chabot, Felicia Chabot, Rachel Coyner, Heather Done, Megan Ekstrand, Jamie Espinoza, Vanessa Fuchs, Katy Gay, Jennifer Baker, Christy Brown, Michael Brown, Britany Carter, Tammy Thele, Heather Hopps, Cejay Lutz, Brandi Masterma, Ashley McCready, Samantha Yetter, Erica Warwick, Elise Vanpool, Morgan, Lisa Ramos, Rachel Randell, Chelsei Redo, Jayna Kern, Chaylene Knickelbein, Lucretia Martin, Sara Nesci, Holly Stuart, Heather Johnson, Krissy Owens, Maricela Lopez, Linday McFarling, Cambria Miller, Jennifer Schefcik, Elaenia Seredeheley, Kari Smith, Jennifer Sturm, Cassidy Trapp, Amanda Watterson, Jamie Watterson, Jean Bye, Wendy Eve, Terri Izatt, Helen Chabot, Trish Mahe, Priscilla McAvoy, Sandy Clark, Christy Yetter, Arlene Lawson, Dee Dee Watterson, Kachy Echler, Linda Watterson, April Sferrazzo, Bonie Dietrich, Louise Johnson, Darbie Adams, Kristine Espinosa, Linda McCready, Laura Matthew, Lisa Douglas and Adam Young.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Ellen Heise and Michael Moreno.

On request of Assemblywoman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Dolezal.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Zadow.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Quint.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Leach and Michelle Walkins.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Sherry Cavender and Elizabeth Cavender.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Brown and Andrea Styer.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Bischoff.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Harold Turley and Dorothe Turley.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Kristine Espinoza and Sarah Hill.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Walker.

Assemblywoman Buckley moved that the Assembly adjourn until March 13, 2001 at 11:00 a.m. and that it do so in the memory of Jeanne Botts.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 13, 2001

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Beers and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

With all the resources of an infinite God available to us, we ask forgiveness for our lack of faith that begs for pennies when we could write checks for millions, that strikes a match when we could have the sun. Give to us the faith to believe that there is no problem before us that Your wisdom cannot solve. As You have guided men in the past, so guide these members of this Assembly today. At every desk may there be a whisper of Your counsel. Help our leaders to weigh their words, that their words may carry weight and, what is more, the echo of Your will. We ask these favors in Your Almighty Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 183, 263.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 10—Urging the Department of Human Resources to review the federal Foster Care Independence Act of 1999 to determine the feasibility of amending the state plan for Medicaid to create a new Medicaid eligibility group for young adults who have “aged out” of foster care.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 11—Granting administrative leave to legislative employees in recognition of their service to the 71st session of the Nevada Legislature.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted unanimously.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goldwater, Beers, Parks, Cegavske, Chowning, de Braga, Dini, Giunchigliani, Hettrick, Leslie, Marvel, Tiffany and Williams; Senators O'Connell and Titus:

Assembly Bill No. 326—AN ACT relating to local financial administration; modifying the list of separate items that a local government is required to include in a supplemental budgetary report of expenses relating to activities designed to influence the passage or defeat of legislation; providing that the budget of a local government must include a separate statement detailing such anticipated expenses; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Giunchigliani, Leslie, Anderson, Arberry, Bache, Oceguela and Williams; Senator Neal:

Assembly Bill No. 327—AN ACT relating to capital punishment; revising the order in which the arguments must be presented during the penalty hearing in cases where the death penalty is sought; revising provisions regarding when a sentence of death may be imposed; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Giunchigliani, Anderson, Arberry, Bache, Freeman, Goldwater, Ocegüera and Williams; Senator Neal:

Assembly Bill No. 328—AN ACT relating to criminal records; requiring information concerning the sealing of records and restoration of civil rights to be provided to certain persons; reducing the time required to lapse before a petition to seal criminal records may be brought; making various other changes concerning sealing criminal records; revising provisions governing the restoration of civil rights; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Nolan:

Assembly Bill No. 329—AN ACT relating to state buildings; authorizing the administrative head of a department, agency or institution occupying space in a building owned or leased by the state to enter into an agreement with a private entity for the placement of advertisements in certain areas of the building; authorizing the director of the legislative counsel bureau to enter into an agreement with a private entity for the placement of advertisements in certain areas of the legislative building or other legislative facilities upon approval of the legislative commission; requiring that an agreement for the placement of advertisements in a public building be approved by certain persons; requiring a private entity that enters an agreement to place advertisements in a public building to ensure the advertisements do not cause disruption; authorizing the chief of the buildings and grounds division of the department of administration to adopt regulations relating to the placement of advertisements in certain state buildings; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Nolan:

Assembly Bill No. 330—AN ACT relating to prisons; requiring the director of the department of prisons to establish a program to provide mandatory treatment of sex offenders; requiring the department to establish a

program to test certain employees of the department for the use of alcohol and controlled substances; requiring the department to test at least 20 percent of offenders each year for the use of alcohol or a controlled substance; making various changes concerning criminal acts committed in a prison; making various changes concerning persons visiting a prison; requiring the attorney general to retain private legal counsel to prosecute certain crimes involving prisons; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Nolan:

Assembly Bill No. 331—AN ACT relating to criminal records; authorizing the central repository for Nevada records of criminal history to conduct investigations and to disseminate certain information concerning applicants and employees of private schools; expanding the offenses about which certain employers may obtain information concerning employees; authorizing such employers to obtain the same information about volunteers and prospective volunteers; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Nolan:

Assembly Bill No. 332—AN ACT relating to occupational safety; providing for the establishment of a voluntary protection program for occupational safety and health; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen de Braga, Price, Neighbors, Bache, Brown, Collins, Freeman, Gustavson, Koivisto, Lee and Manendo:

Assembly Bill No. 333—AN ACT relating to crimes; prohibiting a person from interfering with certain emergency medical attendants while rendering assistance; providing a penalty; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Leslie, Cegavske, Chowning, de Braga, Gibbons, Anderson, Bache, Brower, Claborn, Freeman, Giunchigliani, Gustavson, Hettrick, Humke, Nolan, Parnell and Smith:

Assembly Bill No. 334—AN ACT relating to carnivals; prohibiting a person from operating a carnival ride with a passenger without an operation permit; requiring certain persons to take certain actions when a death or serious injury occurs as a result of the operation of a carnival ride; requiring the division of industrial relations of the department of business and industry to adopt certain regulations relating to carnival rides; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 335—AN ACT relating to collection agencies; requiring the commissioner of financial institutions to conduct investigations, issue orders to cease and desist, impose administrative fines and bring suit against unlicensed persons who engage in activities relating to the collection of debts for which a license is required; increasing the penalty for certain violations; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Dini, Parks, Giunchigliani, Ohrenschall, Manendo, Marvel, Anderson, Arberry, Bache, Buckley, Chowning, Claborn, Collins, de Braga, Freeman, Goldwater, Koivisto, Lee, Leslie, McClain, Mortenson, Neighbors, Ocegüera, Parnell, Perkins, Price, Smith and Williams:

Assembly Bill No. 336—AN ACT relating to children; imposing certain duties on the division of child and family services of the department of human resources regarding persons who apply to receive the placement of a child for foster care or adoption; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 337—AN ACT relating to deceptive trade practices; expanding the definition of “deceptive trade practice” to include a person who engages in certain acts during a solicitation by telephone or sales presentation; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 338—AN ACT relating to workers' compensation; requiring an insurer to provide copies of documents in a claimant's file within a certain time; requiring an insurer to reimburse an injured employee for medical expenses paid by the employee under certain circumstances; requiring insurers to provide certain types of notifications concerning an injured employee's right to choose physicians or chiropractors; requiring the administrator of the division of industrial relations of the department of business and industry to design a form notifying injured employees of their right to choose an alternate physician or chiropractor; allowing injured employees to choose under certain circumstances physicians or chiropractors who are not under contract with the managed care organization of the insurer; allowing an injured employee to choose any qualified physician or chiropractor to render a second determination of his percentage of disability; revising certain provisions governing eligibility for compensation for reopening a claim; revising the provisions governing offers of temporary, light-duty employment; revising the provisions governing the determination of a permanent partial disability; revising provisions governing eligibility for and length, goals and amounts of vocational rehabilitation services; authorizing a claimant to bring and maintain a certain cause of action against an insurer or a third-party administrator if the claimant does not accept a benefit penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 339—AN ACT relating to Oriental medicine; revising the provisions relating to the issuance of a license to practice acupuncture and Oriental medicine; authorizing the practice of herbal medicine under certain circumstances; restricting the use of the title "acupuncturist" without a license; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Buckley, Manendo, McClain, Claborn, Ocegüera, Arberry, Bache, Brown, Chowning, Collins, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Nolan, Parks, Price and Williams; Senators Care, Wiener and Titus:

Assembly Bill No. 340—AN ACT making an appropriation to the Housing Division of the Department of Business and Industry for a model

demonstration project sponsored by a nonprofit corporation to provide an assisted living center for senior citizens in Clark County; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Buckley, Manendo, Ohrenschall, McClain, Claborn, Anderson, Arberry, Bache, Chowning, Collins, Freeman, Giunchigliani, Koivisto, Nolan, Ocegüera, Parks, Price and Williams; Senators Titus, Care and Wiener:

Assembly Bill No. 341—AN ACT relating to mobile home parks; creating the mobile home park rent review board within the manufactured housing division of the department of business and industry; prescribing the powers and duties of the board; prohibiting the landlord of a mobile home park, or his agent or employee, from imposing certain increases in rent unless such increases in rent are first approved by the board; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 342—AN ACT relating to children; authorizing the division of child and family services of the department of human resources to enter into agreements for the provision of maintenance and other services with certain persons; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 343—AN ACT relating to the protection of children; transferring certain duties of the division of child and family services of the department of human resources to an agency of the county in certain large counties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Parnell, Gibbons, Smith, de Braga, Bache, Brower, Buckley, Giunchigliani, Lee, Leslie, McClain and Neighbors; Senator Amodei:

Assembly Bill No. 344—AN ACT relating to crimes; revising the definition of criminal assault; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goldwater, Parks, Oceguera, Buckley, Manendo, Gibbons, Giunchigliani and Leslie:

Assembly Bill No. 345—AN ACT relating to industrial insurance; requiring a county or city that is a self-insured employer to submit a written report concerning certain claims for compensation to the administrator of the division of industrial relations of the department of business and industry; authorizing certain hearing officers or appeals officers to award treble damages to a claimant under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Tiffany, Leslie, Berman, Gibbons, Angle, Bache, Beers, Brown, Cegavske, Chowning, Collins, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Parks, Price, Von Tobel and Williams:

Assembly Bill No. 346—AN ACT relating to mental illness; providing for the establishment of a pilot program in southern Nevada for the provision of a program of intensive and integrated community services to adults who are seriously mentally ill and homeless; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Parks (by request):

Assembly Bill No. 347—AN ACT relating to industrial insurance; clarifying the authority of a captive insurer to provide industrial insurance; authorizing a captive insurer to participate in the Nevada insurance guaranty association for industrial insurance; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Parks, Leslie, Gibbons, Beers, Bache, Anderson, Arberry, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Oceguera, Ohrenschall, Parnell, Perkins, Price, Smith and Williams; Senators Titus, Schneider, Care, Coffin and Shaffer:

Assembly Bill No. 348—AN ACT making an appropriation to the City of Las Vegas for the enhancement and implementation of a hydrogen reformer, fuel cell generator and hydrogen vehicle refueling system to provide improved air quality and public health; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Goldwater, Parnell, Gibbons, de Braga, Bache, Anderson, Arberry, Buckley, Claborn, Collins, Dini, Freeman, Giunchigliani, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Ocegüera, Parks, Perkins, Price, Smith and Williams:

Assembly Bill No. 349—AN ACT relating to the regulation of public utilities; creating the fund for energy assistance to be administered by the bureau of consumer protection within the office of the attorney general; setting forth the formula for determining the qualification of a household to receive assistance from the fund; providing an exception; setting forth the sources of money to be used to operate the fund; transferring the administration of certain federal programs for low-income energy assistance from the welfare division of the department of human resources to the bureau of consumer protection; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Select Committee on Energy.

Motion carried.

By Assemblymen Freeman, Leslie, Parnell, Gibbons, de Braga, Anderson, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, Giunchigliani, Goldwater, Humke, Lee, Manendo, Mortenson, Neighbors, Nolan, Ocegüera, Parks, Smith, Tiffany, Von Tobel and Williams; Senators Mathews, Neal and Coffin:

Assembly Bill No. 350—AN ACT making an appropriation for the partial support of Federally Qualified Community Health Centers that provide primary health care to uninsured residents of Nevada at reduced rates; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Williams, Bache, Arberry, Manendo, Ohrenschall, Anderson, Buckley, Chowning, Claborn, de Braga, Giunchigliani, Goldwater, Koivisto, Leslie, McClain, Ocegüera, Parks and Parnell:

Assembly Bill No. 351—AN ACT relating to education; requiring the board of trustees of a school district to obtain approval from the legislature to enter into certain contracts relating to the management of public schools; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 183.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 263.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Williams, Parks, Brown, Cegavske, Chowning, de Braga, Freeman, Hettrick, Parnell and Smith:

Assembly Bill No. 352—AN ACT making an appropriation to the Boulder City Museum and Historical Association for the acquisition of new exhibits, maintenance of existing collections, computerization of the records of its collections and costs related to the display of historic artifacts; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 3.

Resolution read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 28.

Amend the resolution, page 1, after line 19, by inserting:

“And be it further

RESOLVED, That section 34 of article 4 of the Constitution of the State of Nevada is hereby repealed.

TEXT OF REPEALED SECTION

Sec. 34. Election of United States Senators. In all elections for United States Senators, such elections shall be held in joint convention of both Houses of the Legislature. It shall be the duty of the Legislature which convenes next preceding the expiration of the term of such Senator, to elect his successor. If a vacancy in such Senatorial representation from any cause occur, it shall be the duty of the Legislature then in Session or at the succeeding Session thereof, to supply such vacancy[.] If the Legislature shall at any time as herein provided, fail to unite in a joint convention within twenty days after the commencement of the Session of the Legislature for the

election [of] such Senator it shall be the duty of the Governor, by proclamation to convene the two Houses of the Legislature in joint convention, within not less than five days nor exceeding ten days from the publication of his proclamation, and the joint convention when so assembled shall proceed to elect the Senator as herein provided.”.

Amend the title of the resolution, second line, by deleting the period and inserting: “and to repeal an obsolete provision relating to the election of United States Senators.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Proposes to amend Nevada Constitution to revise provisions governing right to vote and to repeal certain obsolete provisions. (BDR C-1009)”

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Several years ago I served on a national education board. During that time, a report dealing with a nation at risk first came out. It took public education to task for not meeting the needs of our society.

In 1986, the Carnegie Task Force on Teaching as a Profession asserted that world-class schools required a world-class teaching force and the assurance of a quality teacher in every classroom. It noted that while many excellent teachers were working in schools, their efforts often went unrecognized and unrewarded, and even worse; their knowledge and skills were underutilized.

The following year a National Board for Professional Teaching Standards was created to meet the task of defining outstanding teaching. Its founding chair was North Carolina Governor, James B. Hunt. He asserted that the mission of this board would be:

To establish high and rigorous standards for what accomplished teachers should know and be able to do, to develop and operate a national voluntary system to assess and certify teachers who meet those standards, and to advance related educational reforms for the purpose of improving student learning in American Schools.

Those standards have been adopted in wide areas over the years. This year 4,494 teachers earned this recognition. Seated here today are 24 of my colleagues from the State of Nevada who meet this requirement. I find it emotional because my profession has been under attack for a long time. These teachers, these 24—two of which are from the math department in my own school—are the best. The year of hard work these teachers have put in, the testing they’ve undergone, holds a beacon up to those in my profession, one for others to follow. They signify and capture the best practices and indicators of accomplished teaching—other teachers benefit from their experience, as well as our students, who benefit the most of all.

I would like to recognize the 24 teachers that are here today and have their names entered in the record as guests. They are seated here among us today, if you will welcome them. They are representative of the 24 National Standard Board certified teachers in the State of Nevada, the first ever in our state. Their accomplishments, as I said previously, hold a beacon for others to follow and capture the best practice and indications of accomplished teaching. While these teachers benefited from their experience, it is our students who benefit the most.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kindra Cerfoglio, Stacy L. Drum, Lana D. Hess, Carol T. Hines, Linda Johnson, Kathy King, Gael McGibben, Valdine M. McLean, Barbara Surritte, Susan Vaughn, Chelsea Boles, David Carr, Maureen Choman, Natasha Jordon, Drury McPherson, Gwen McPherson, Artie Nordstrom, Teola Shaw, Jeremiah Sampson, Jonathan Daniels, Daniel Diebel, Nicholas Diebel, Mitchell Jones, Henry Sosnowski, Kevin Salls, Edwin Sweeny, Steven Sweeny, Samantha Carr, Jimmy Bailey, Patrick Tabar, Elijah Harris, Seth Rilea, Heber Lopez, Zachary Johnson, Matt Klippenstein, John Metzger, Sam Moore, Jared Volk, Luke Babbit, Keegan Ferrari and Tyler Haller.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Van Epp and Lisa Larnerd.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Klug and Ralph McMullen.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Evans and Nancy Evans.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Yvette Deighton.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Evangelatos and Jeanine Vandevort.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Livingston.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Imelda Donnelly.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Esther Triggs.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Hurst.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Virginia Beck.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Margie Mansanti, John Mansanti, Stephanie Mansanti and James Blattman.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Robyn Yavorsky and Orest Yavorsky.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Ondagan Nursultan and Jessica Barlow Daniels.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Karon Lee.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Mattson.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Cora Carrigan.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Wiatt.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March 14, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 14, 2001

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Gibbons, Nolan and Ohrenschall, who were excused.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, we give You thanks and praise on this, another beautiful day. We thank You for Your abundant goodness and love, being reminded that Your word declares, "For as high as the heavens are above the earth, so great is God's love for those who fear Him." Bless our legislators, give them wisdom and understanding in all their decisions and dealings. In the Name of the Most High God, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 59, 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 53, 153.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 11.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 14, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 20.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Anderson, Giunchigliani, Arberry and Williams; Senator Neal:

Assembly Bill No. 353—AN ACT relating to crimes; prohibiting a sentence of death for a person who is mentally retarded; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Price, Brown, Chowning and Manendo:

Assembly Bill No. 354—AN ACT relating to crimes; providing for genetic marker analysis of certain evidence relating to the conviction of certain offenders who have been sentenced to death; providing for a stay of execution pending the results of the analysis; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Price, Claborn, Collins, Freeman, Lee and Parks:

Assembly Bill No. 355—AN ACT relating to electricians; requiring the division of industrial relations of the department of business and industry to establish minimum standards for the education, training and certification of electricians; authorizing the division to establish a schedule of fees for the certification of electricians; prohibiting a person from working as an electrician unless he holds a certificate as an electrician issued by the division; prohibiting the state contractors' board from issuing a license to, or renewing the license of, an electrician who does not hold a certificate as an electrician issued by the division; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ocegueda, Anderson, Bache, de Braga, Parks, Arberry, Buckley, Claborn, Collins, Dini, Gibbons, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Nolan, Perkins, Smith and Williams:

Assembly Bill No. 356—AN ACT relating to the public employees' retirement system; decreasing the number of years of service required for vesting; revising the formula for calculating retirement allowances; providing for benefits for a survivor beneficiary in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Hettrick, Cegavske, Berman, Brower, Brown, Claborn, de Braga, Freeman, Gibbons, Humke, Nolan, Parks, Tiffany, Von Tobel and Williams:

Assembly Bill No. 357—AN ACT relating to education; eliminating the provisions for the election of the members of the state board of education; providing for the appointment of the members of the state board of education; prohibiting certain members of the state board of education from participating in actions of the state board under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Berman, Cegavske, Claborn, Gibbons, Hettrick, McClain, Mortenson, Tiffany and Von Tobel:

Assembly Bill No. 358—AN ACT relating to the state personnel system; transferring the duty to certify state payrolls from the director of the department of personnel to the state controller; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 359—AN ACT making an appropriation to the Interim Finance Committee for expenses relating to the investigation of the leukemia cluster in Fallon; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 360—AN ACT making an appropriation to the Department of Administration for the support of amateur athletics and recreational programs in the City of Las Vegas; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 361—AN ACT relating to taxation; revising the time by which a person extracting any mineral in this state must file with the department of taxation an annual statement of his estimated gross yield, estimated net proceeds and estimated royalties for the current calendar year; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Marvel (by request):

Assembly Bill No. 362—AN ACT relating to tobacco; revising provisions concerning the smoking of tobacco in certain public areas; revising provisions governing the location of cigarette vending machines; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Giunchigliani and Leslie:

Assembly Bill No. 363—AN ACT relating to health care records; allowing a patient to obtain his health care records without charge under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Tiffany, Angle, Berman, Brown, Cegavske, Giunchigliani, Koivisto, McClain, Mortenson, Nolan and Price:

Assembly Bill No. 364—AN ACT relating to education; requiring regional subdistricts created in certain school districts to prepare annual reports; prescribing the information required to be reported; requiring the board of trustees of such school districts to prepare a compilation of the reports that includes an evaluation of the equity among the regional subdistricts; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 365—AN ACT relating to collective bargaining; requiring that certain local governmental employers and employees submit certain disputed issues to an arbitrator for binding arbitration in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 366—AN ACT relating to real property; requiring disclosures of certain information by the seller of a new residence; providing for the tolling of statutes of limitation and repose for certain causes of action relating to real property in certain circumstances; specifying that a claim for a constructional defect does not limit, preclude or abate disciplinary action against a contractor; revising provisions governing the recovery of damages in a constructional defect matter; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Tiffany, Beers and Cegavske:

Assembly Bill No. 367—AN ACT relating to information services; creating the information technology commission; prescribing the qualifications, powers and duties of the commission; eliminating the information technology advisory board; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Ways and Means.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Tiffany withdrew the motion that Assembly Bill No. 367 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 53.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 153.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 20.

Assemblyman Brown moved the adoption of the resolution.

Remarks by Assemblymen Brown, Chowning, Collins and Carpenter.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted unanimously.

Assemblywoman Giunchigliani moved that the action whereby Assembly Bill No. 363 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 363 be referred to the Committee on Commerce and Labor.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Beers, Humke, Berman, Hettrick, Anderson, Brower, Brown, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Lee, Manendo, Marvel, Nolan, Ocegüera, Parks, Perkins, Price and Von Tobel; Senators Rawson, O'Donnell, Amodei, Carlton, Coffin, McGinness, Raggio, Schneider, Shaffer, Titus, Townsend and Washington:

Assembly Bill No. 368—AN ACT relating to firearms; increasing the penalty for a person previously convicted of a felony who possesses a firearm; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Select Committee on Energy:

Assembly Bill No. 369—AN ACT relating to utilities; revising and repealing various provisions governing the regulation of public utilities; preventing certain electric utilities from disposing of certain generation assets for a certain period; placing restrictions on the disposal of such assets after that period; repealing provisions pertaining to the competitive provision of retail electric service; requiring the public utilities commission of Nevada to take certain actions to carry out the provisions of this act; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Select Committee on Energy.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 36.

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. 1. There is hereby appropriated from the state general fund to the department of human resources for providing presumptive eligibility for Medicaid for women who are pregnant and for children who are less than 19 years of age and for providing presumptive eligibility for the children’s health insurance program for children who are less than 19 years of age:

For the fiscal year 2001-2002	\$5,414,773

For the fiscal year 2002-2003	\$6,232,638

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend the title of the bill, sixth line, by deleting “appropriations;” and inserting “an appropriation;”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 47.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblymen Giunchigliani, Goldwater and Anderson.

Roll call on Assembly Joint Resolution No. 3:

YEAS—39.

NAYS—None.

EXCUSED—Gibbons, Nolan, Ohrenschall—3.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Hughes.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Wilks.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Mandi York, Dan McCue, Maria Azzarelli, Jennifer Koemans, Daniele Dreitzer, Jennifer Sizemore, Mandy Canales-Salazar, Christy Jefferson, Pammra Pearce, Onie Cooper, Louis Martin, Larry Keinworth, Denise Eckstein, Kathleen Needham and Barbara Wagner.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to William Stojack.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to JJ Dini, Mike Johnson, Christen Adams, Josh Allen, Sabrina Archer, Kendall Castellani, Amanda Heimerman, Halona Hernandez, Levi Hernandez, Susan Hess, Jeff Homestead, Travis Lemos, Alicia Mata, Esme Montez, Mike Peacher, Tiffany Pollard, Kristen Proctor, Rachel Remaley, Zach Roots, Jaime Ross, Tom Sceirine, Amy Sceirine, Sarah Sciarani, Carrie Sheldon, Brian Smith, Rocky Snooks, Eric Spurlock, Alex Tapia, Micah Triplett, Jenn Turner, Maria Vasquez, Crystal Williss, Benny Young, Robert Anderson, Golda Barton, John Fauver, Mindy Foley, Nate Goff, Angela Ivey, Ty Joyner, Julien Pellegrini, Mike Pinkerton, Mike Roberson, Cameron Stern, Fawn Tate, Adista Tibbals, Jamie Whitfield, Jeremy Wilkison, Nick Carlgren, Mike Leone, Bridgette Brinkley, Courtney Carlgren, Byron Corletto, Adrianne Cornell, Luis Covarrubias, Justin Drake, Brandyn Feole, Jenn Gibbs, Chris Goodman, Andy Grigsby, Tony Gutierrez, Shiloh Hamlett, Chuy Juarez, Nick Lee, Jenny Mollart, Jesse Montero, Stacy Robertson, Jafeth Salido, Chris Sanchez, Lindsey Stockton, Carlos Zuniga, Iliana Padilla, Melanie Romo, Ichie Osaka, Eder Pascal, Seth Osborne,

Crystal Perry, Eugene McCaudeless, Joe Arnote, Kathy Arnote, Frances DeGiacomo and Michelle Davis.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to James Sohns.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Linda K. Sikkema.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Chris Pritsos.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Yvonne Atkinson Gates.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 15, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 15, 2001

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Humke and Nolan, who were excused.

Prayer by the Chaplain, Pastor Louie Locke.

We give thanks to You, O God, we give thanks. For Your wondrous works declare that Your Name is near. Bless our legislators today, give them wise and understanding hearts that all of their council and discussion would be upright in Your sight. In the name of Jesus Christ, my Savior, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections the Assembly would recess for the purpose of hearing a musical rendition by Rick James and Ron James.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 26 of the 70th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Judiciary, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 342 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 14, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 12—Memorializing long-time educator and native Nevadan, Orsie S. Graves.

WHEREAS, The members of the Nevada Legislature were deeply saddened by the passing of Orsie S. Graves on May 10, 2000, one of Sparks High School's most influential educators; and

WHEREAS, Orsie S. Graves, a native Nevadan, was born on March 15, 1922, in Sparks, to Orsie M. and Pearl (Casey) Graves; and

WHEREAS, Orsie Graves graduated from Sparks High School in 1940 and later joined the United States Army Air Corps where he served his country during World War II as a pilot; and

WHEREAS, In 1948, Orsie Graves earned his Bachelor's Degree from the University of Nevada and continued his education by attending classes at San Jose State University and the University of Nevada where he received his Master's Degree in 1965; and

WHEREAS, Following college and his service in the military, Orsie Graves taught in junior high schools in Fallon and Sparks before becoming a teacher and basketball coach at Sparks High School in 1956; and

WHEREAS, During his 12 years as basketball coach at Sparks High School, Orsie Graves earned a reputation as a tough and talented coach who encouraged his players to excel in the classroom, as well as on the court; and

WHEREAS, After leaving his coaching days behind, Orsie Graves continued his career in education for another 17 years as Acting Vice Principal, Dean of Students and Vice Principal at

Sparks High School where he touched the lives of a generation of students and encouraged them to be the best that they could be; and

WHEREAS, Following his retirement from the Washoe County School District in 1985, Orsie Graves and his wife, Lois, devoted a considerable amount of time and energy toward the development of the Sparks Heritage Museum; and

WHEREAS, The love and respect that Orsie Graves received from his students was expressed simply by the Mayor of the City of Sparks, Tony Armstrong, a former student of Graves, who was quoted as saying, "I was one of those students who you had to take a 2-by-4 and hit me in the head to make me understand. Orsie was one of those who picked up that 2-by-4. He never gave up on me and spent a lot a time with me."; and

WHEREAS, Orsie Graves is survived by his wife, Lois, son, Brad, daughters, Tricia Grinsell and Leslie Moya, and sister, Bonnie Pettengill, all of Reno, son, Ed Henrickson of Hawaii, and seven grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature do hereby extend their sincere condolences to the family and friends of Orsie S. Graves; and be it further

RESOLVED, That Orsie Graves will long be remembered for his contribution to education and athletics at Sparks High School and for the compassion and understanding that he generously gave to his students and friends throughout his life; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Orsie Graves' loving wife, Lois.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Dini.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

As the resolution clearly states, Orsie Graves' life was full of promise and hope, hope and promise that fulfilled the society in which he lived. I first had the opportunity of meeting Mr. Graves when he was coaching Sparks High School teams and I was managing a basketball team that opposed him. Later, when I first bought a home in Sparks, he lived just around the corner from me. I remember when his wife had finished digging the garden and moving dirt, I had the golden opportunity of taking the dirt and moving it to my house, where it was needed.

Orsie Graves was one of those people that you couldn't say no to. He would call me at school and mention there was a new project that the Heritage Foundation needed, he wanted to make sure there were yearbooks from every high school at the Sparks Heritage Foundation. He made sure that took place. We searched until every yearbook from Reed was there and we set up a project so they would continue to be there. The Heritage Foundation was falling into disrepair and it looked like we might lose the golden opportunity to pick up the old library in downtown Sparks that the county was about to abandon. It was Orsie, along with other members of the Sparks Heritage Foundation, that made sure that that transfer was made to the City of Sparks. All so that it ultimately could become the Heritage Foundation. It was Orsie and his wife, Lois, who made sure that the proper people were contacted to keep it going. It was Orsie who called me and said, "Bernie, you've got to find some money and fix this."

Orsie never wanted to take the bow, he just wanted it done and done now. This resolution goes a long way to recognize the kind of person who doesn't want to take the credit, just wants to get things done. That was what Orsie was all about.

He died while playing golf, his favorite pastime. At his memorial service, they told an old joke. I won't repeat it again because some of you might be offended by it, but it was a great joke. If you stop me in the hallway, I will be happy to share it with you even if it is St. Patrick's Day and Irishmen have a tendency to run. I don't want to run too long on this, and I know there are others who may wish to speak.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I had the privilege of meeting Orsie Graves in October of 1946, when Jake Lawlor selected me to be the basketball manager on the team for the '46-'47 season.

Orsie was an outstanding member of the team that year. He was quite a gentleman and quite a hustler. If you have ever seen a guy that goes into a game and just sparkplugs the team and makes it go, that was Orsie Graves. I could tell you a lot of stories about being on those trips with Jake Lawlor as a coach—and me having to stay with Jake, and having to cuss out the players. I was the first line of defense with the players, but I won't go into that. We followed each other for a good number of years and we weren't very close after we got out of school. Even so, he had a reputation for being a leader, for being a disciplinarian, for being a guy that really hustled. He hustled in life. He left a memory in Sparks that will never be equaled. He was a man that I'm very proud to have known.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 12 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Dini moved that Assembly Bill No. 47 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Perkins, Gibbons, Parks, Brown, de Braga, Anderson, Arberry, Bache, Beers, Berman, Brower, Carpenter, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Price, Smith, Tiffany, Von Tobel and Williams; Senators Neal, O'Connell, Rhoads, Amodei, Rawson, Care, Carlton, Coffin, James, Mathews, McGinness, O'Donnell, Porter, Raggio, Shaffer, Townsend, Washington and Wiener:

Assembly Joint Resolution No. 7—Expressing the support of the Nevada Legislature for the overturn of the new federal regulations on surface mining.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Concurrent Resolution No. 21.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Gibbons, Anderson, Brower, Carpenter and Cegavske.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I certainly had the pleasure of meeting one of the finest gentlemen that I have ever known in the state's history—Pete Echeverria. He was of Basque descent, and it showed in his hard work and determination to help the State of Nevada. He was a great orator, as it says in this resolution. I tell you this, you've never heard anyone speak so well in a courtroom or in front of a legislative committee than when Pete Echeverria spoke on a bill.

I had the pleasure of meeting him personally when Governor Mike O'Callaghan introduced him to me, or vice versa, back in 1973. The Governor said, "I need the toughest guy I can get to head the Gaming Commission. I'm going to bring this Basque in here and straighten this thing out." That he did. He wasn't afraid to stand up to undesirable elements that crept into Nevada gaming. He was strong and determined that we would have a good, clean, gaming industry in the State of Nevada. I have to say that he probably had the most influence of anyone for getting us in the right direction, to be sure that Nevada stayed clean and didn't allow corrupt forces to enter our state.

He was involved in all kinds of these things throughout his career. He left a great legacy in the Reno area and throughout the State of Nevada. We certainly lost a great man when we lost Pete Echeverria.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of SCR 21, memorializing the life of Peter Echeverria. I know his family, his children, his grandchildren and they are all great public servants in their way. They make a difference in the community by serving the public and their schools. I'm thankful for his life and his contributions that he made to our great state. I'm so very happy this body has chosen to honor him in this way.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also want to rise in support of the resolution. In my wallet I carry a saying of Mr. Echeverria, which I think reflects not just on what he is, but indeed on his son John, with whom I had an opportunity to go to college. If I may, Mr. Speaker, I'd like to read the quote. Many of you are probably familiar with it. I think it does reflect what Mr. Echeverria was all about. I hesitate to quote from a Republican, in this case Theodore Roosevelt, but I feel it appropriate: "The credit belongs to the man who is actually in the arena, whose face is mired in the dust, sweat, and blood; who knows the great enthusiasm and devotion and spends himself in worthy cause; who at best, if he wins, knows the thrill of his high achievement and if he fails, at least fails with dignity while daring greatly so that his place should never be with those cold and timid souls who know neither victory nor defeat." Mr. Echeverria was that kind of man. One who always pushed the envelope so that he need not fear and could take relish in victory and defeat. This resolution speaks to the power of a person who is willing to face the toughest of odds. Thank you, Mr. Speaker.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. I also rise in support of SCR 21. I do so for several reasons. I never had the pleasure of meeting Mr. Echeverria, but I rise in support of this resolution. First of all, to remind my colleagues, as I have on this floor in the past, that with the passing of Mr. Echeverria,

we've lost yet another World War II hero. We lose thousands every month in this country. For that reason, alone, I think Mr. Echeverria is worthy of our honor today. I should also mention that I know Pete's son, John, who is with us today. As you can tell from the resolution, Pete was a lawyer of legendary proportions in this state. John is also a lawyer. I can tell you from firsthand knowledge, John has more than filled the shoes of his father in that regard. It is a pleasure to have him here today. I've also met Pete's daughter, Chris, who is a constituent. I met Chris as I was going door to door, during my first campaign; she didn't know me from anyone. She was one of those people you rarely encounter when you knock on doors, who invites you in, offers you something to drink, is interested in hearing what you have to say and has questions for you. What I most remember about that visit with Chris is she told me how much her father enjoyed serving in the state legislature and how she had fond memories of his stories and his experiences in Carson City. As I said, Pete is truly a legend in legal circles in this state. I'm sure he always will be. Despite the fact that he is a graduate of that dreaded school somewhere to the south of Berkeley, I urge your support of this resolution.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I also rise in support of SCR 21. I knew Pete Echeverria for many years, from Ely, when our families were friends. Pete was so proud of his Basque heritage that he came to Elko and was the master of ceremonies at our Basque Festival, for many years. I think he was the driving force that helped Elko become home of the National Basque Festival. I just want to offer my support for the resolution. His son John is here and I think he's carrying on in his father's footsteps. I just want to say, from one shepherd to another, I really enjoyed Pete Echeverria.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I also stand in support of SCR 21. I, along with my colleague from the north, did not have the pleasure of knowing Mr. Echeverria, but I did know his daughter very well, Teresa Maloney. She was a fellow 7-11 franchisee, and we went through many battles together. Listening to all the things I had heard from her, over the years, about her father I was thinking how much of him was passed on to his daughter, and, in listening to my colleague, also his other children. I just wanted to make sure that she knew how much we do think of her and what her father has done for the State of Nevada. Thank you, Mr. Speaker.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Bache, Parks, Price, McClain, Anderson, Arberry, Chowning, Claborn, de Braga, Dini, Freeman, Giunchigliani, Humke, Koivisto, Manendo, Mortenson, Neighbors, Parnell, Smith and Tiffany:

Assembly Bill No. 370—AN ACT relating to injunctions; authorizing employers to obtain orders for protection against harassment in the workplace to protect employers, employees and persons at the workplace from harassment by other persons; establishing the procedure for obtaining such an order; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 371—AN ACT making an appropriation to the Department of Human Resources for an increase in the allowance for

personal needs for residents of long-term care facilities who are eligible for Medicaid; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Cegavske, Arberry, Parks, Gibbons, Anderson, Angle, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Carlton, Coffin, Porter, Care, Titus, Amodei, Jacobsen, McGinness, O'Donnell, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Bill No. 372—AN ACT making an appropriation to the Department of Museums, Library and Arts for expenses relating to the development and production of the Nevada History CD-ROM; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 373—AN ACT relating to utilities; providing in skeleton form for cities, counties and groups thereof to aggregate the electrical load of interested residents; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Select Committee on Energy.

Motion carried.

By Assemblymen McClain, Koivisto, Ohrenschall, Manendo, Parks, Angle, Arberry, Bache, Berman, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Lee, Leslie, Mortenson, Neighbors, Oceguela, Perkins, Price, Smith, Tiffany and Williams:

Assembly Bill No. 374—AN ACT relating to education; requiring each school district to spend a minimum amount of money for school textbooks; revising provisions relating to the annual budgets prepared by school districts; requiring the use of the same textbooks for core subjects in all high schools of a school district; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 375—AN ACT relating to crimes; enacting provisions governing the possession, use, manufacture or distribution of certain items employed to commit theft; providing penalties; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Anderson, Bache, Arberry, Brown, Buckley, Carpenter, Claborn, Collins, de Braga, Giunchigliani, Koivisto, Leslie, Ocegüera, Parnell and Smith; Senators Care and Wiener:

Assembly Bill No. 376—AN ACT relating to railroad safety; transferring certain responsibilities for railroad safety from the public utilities commission of Nevada to the Nevada highway patrol division of the department of motor vehicles and public safety; requiring the Nevada highway patrol to adopt certain regulations concerning railroad safety; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Parnell, Gibbons, McClain, Bache, Brower, Carpenter, de Braga, Freeman, Goldwater, Koivisto, Lee, Leslie, Smith and Von Tobel; Senator Amodio:

Assembly Bill No. 377—AN ACT relating to domestic violence; requiring courts in certain smaller counties to be available at all times to issue temporary and extended orders for protection against domestic violence; providing that a person who violates a temporary or extended order must not be released from custody sooner than 12 hours after being taken into custody if the violation is accompanied by a direct or indirect threat of harm; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Freeman, Leslie, de Braga, Cegavske, Anderson, Arberry, Bache, Beers, Berman, Buckley, Chowning, Dini, Giunchigliani, Goldwater, Hettrick, Humke, Manendo, Marvel, Mortenson, Parks, Perkins, Smith and Tiffany; Senators Rawson, Coffin and Mathews:

Assembly Bill No. 378—AN ACT relating to education; requiring the department of education to establish a program to promote the profession of nursing in this state; creating an advisory committee to promote the profession of nursing; revising provisions governing the eligibility of certain students for millennium scholarships; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Claborn, Koivisto, Anderson, Bache, Buckley, Chowning, Collins, Humke, Leslie, Manendo, McClain, Mortenson, Ocegüera and Smith:

Assembly Bill No. 379—AN ACT relating to plumbers; requiring the division of industrial relations of the department of business and industry to establish minimum standards for the education, training and certification of plumbers; authorizing the division to establish a schedule of fees for the certification of plumbers; prohibiting a person from working as a plumber unless he holds a certificate as a plumber issued by the division; prohibiting the state contractors' board from issuing a license to, or renewing the license of, a plumber who does not hold a certificate as a plumber issued by the division; and providing other matters properly relating thereto.

Assemblywoman Claborn moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Bache, Giunchigliani, Williams, Anderson, Parnell, Berman, Brown, Buckley, Carpenter, Chowning, de Braga, Freeman, Gibbons, Lee, Leslie, Manendo, Mortenson, Ocegüera, Parks, Smith, Tiffany and Von Tobel; Senators Carlton and Amodei:

Assembly Bill No. 380—AN ACT relating to educational personnel; requiring boards of trustees of school districts to place a teacher who has been employed by another school district in this state on the salary schedule in a classification that is comparable to his former classification; revising provisions governing the employment status of certain postprobationary employees who voluntarily leave their employment; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Bache, Neighbors, Giunchigliani, de Braga, Gibbons, Anderson, Berman, Brown, Buckley, Carpenter, Chowning, Freeman, Hettrick, Lee, Leslie, Manendo, Mortenson, Ocegüera, Parks, Parnell, Smith, Tiffany and Von Tobel; Senators Amodei and Carlton:

Assembly Bill No. 381—AN ACT relating to local governments; revising the provisions relating to the incorporation and organization of cities; directing the Legislative Commission to conduct an interim study to develop and recommend proposed enabling legislation for the creation of an incorporated town; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Government Affairs and Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Koivisto, Anderson, Arberry, Bache, Buckley, Carpenter, Claborn, Giunchigliani, Manendo, McClain, Mortenson, Ohrenschall, Price and Tiffany (by request):

Assembly Bill No. 382—AN ACT relating to traffic laws; requiring certain motor vehicles to drive in the extreme right-hand lane; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Koivisto, Bache, McClain, Parks, Anderson, Arberry, Brown, Chowning, Claborn, Freeman, Giunchigliani, Manendo, Mortenson, Nolan, Ocegüera, Ohrenschall, Price, Smith and Tiffany:

Assembly Bill No. 383—AN ACT relating to traffic laws; prohibiting the driver of a motor vehicle from permitting a person to ride upon the bed of a flatbed truck, within the bed of a pickup truck or within a camper shell or slide-in camper under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Manendo, Buckley, Bache, Claborn, McClain, Anderson, Arberry, Chowning, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Gustavson, Koivisto, Leslie, Mortenson, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Bill No. 384—AN ACT relating to homes; changing the terms used in provisions relating to mobile home parks to refer to manufactured home parks; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 385—AN ACT relating to local government; revising provisions governing the sale, exchange or reconveyance of certain property and land by counties; authorizing a governing body to levy an assessment for the maintenance of overpass projects and underpass projects; revising provisions governing the levy of an assessment for transportation projects; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 386—AN ACT relating to the state personnel system; revising certain provisions relating to the classified and unclassified services of the state; repealing certain provisions relating to discrimination in employment, cooperation with the public employees' retirement board and the requirement of a bond for appointment to certain positions; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Cegavske, Freeman, Gibbons, Angle, Berman, Brower, Brown, Chowning, Claborn, Collins, Goldwater, Gustavson, Hettrick, Koivisto, Leslie, McClain, Tiffany and Williams; Senators Neal, Amodei, Jacobsen, Mathews and Shaffer:

Assembly Bill No. 387—AN ACT relating to controlled substances; prohibiting a person, other than a registered pharmacist or a person working in a pharmacy and acting under the direct and immediate supervision of a registered pharmacist, from selling certain immediate precursors to controlled substances at retail; prohibiting the possession of certain amounts of certain immediate precursors to controlled substances; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 59.

Bill read second time and ordered to third reading.

Senate Bill No. 64.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 9.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 9.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Brown.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BROWN:

Thank you, Mr. Speaker. SJR 9 urges Congress to declare the Mt. Charleston crash site as a National Monument to the "Silent Heroes of the Cold War." It's an emergency measure because we're attempting to transmit it to the Nevada Congressional delegation in a timely fashion. There's hope to secure some federal funding to establish and erect the monument on the mountain. This would also honor those who gave their lives for our national security during the Cold War.

It is a pleasure for me to make a few comments regarding SJR 9. My family has a little bit of personal history or connection with this and we also have known Steve Ririe for some time and it's a pleasure to have him here. Our esteemed Senator from District 6 in Clark County prepared a Powerpoint presentation and has permitted me to use the photographs, a copy of which has been placed on your desks. I would just like to roll through them quickly and explain the genesis of this and inform you of some of the compelling human interest stories behind this.

This really came about through the secret development of the U2 spy plane back in the early 1950s, the proliferation of the nuclear arsenal of Russia was beginning. We learned of that and felt that for United States security interests we needed to be able to monitor that development. From that came the development of the U2 spy plane. In the early 1950s, flights from "Skunk Works" in Burbank, California began whereby the military secretly shuttled scientists and technicians and members of the CIA from "Skunk Works" up to Area 51, which, at that time, was codenamed "Watertown." On November 17th, 1955, a C-53 left Burbank, California. It carried nine passengers, and five crewmembers. They, again, were headed to Watertown, Nevada, on what was called a business trip.

These flights were to be by sight and instrument only due to the secrecy of the matter. The flight pattern brought them up from southern California. This was a new flight path. They intended to save ten minutes. They would fly west of the Spring Mountain Range, west of Mt. Charleston; however, that morning they had a tailwind blowing from the southwest to the northeast. When they arrived at Goodsprings, they changed their course, and at that time, the tailwind became a crosswind and began blowing them eastward. They entered a snowstorm at

the time, and of course, flying by sight and instrument is complicated when flying in a snowstorm. They were not able to view the mountains and were unaware they had blown to the east of Mt. Charleston. In an effort to maintain safety, they thought to move further west of the mountain range, so they turned west and, unbeknownst to them, were flying straight into the mountain. They entered the box canyon of Kyle Canyon and flew upward and found themselves trapped in the canyon and immediately began to execute a spiral climb in order to get out. As you are aware, they did not make it. They impacted 50 feet from the ridge, which is just a short distance from the top of Mt. Charleston.

It was quite a tragedy. If anyone has climbed to the site, there is a sobering feeling that you experience to be there. You can see the ridge, which is the crash site of the plane, and the impact site. The plane immediately broke up on impact. It was not anticipated there was any suffering by these individuals—either unconsciousness or death probably resulted immediately. The crash site could be seen by the military, on and off, throughout the day after. The military dropped some snowshoe teams in there and a snow jeep, but that was rendered totally ineffective. The military contacted the Clark County Sheriff's Posse, who had a horse posse, to go up to the mountain. This is where it becomes a little personal for me. My grandfather is Merle Franer, and he was a member of that posse. It took about 24 hours to get to the site. They went without food and sleep. Upon return, my grandfather was briefed and told this was classified information, that the public would be told it was just a business flight to Indian Springs. The only thing he could say was that it was the most difficult 24 hours he ever experienced in his life.

There is a photograph of the mountain ridge, with my grandfather and Vernon Bunker, who is a former legislator, up there on what is known as the East-West Ridge, which is close to the crash site. They were familiar with the mountain and were able to make that difficult and treacherous trip up the mountain. There was so much snow at times they could not remain in their saddles. They had to get off their animals and hold on to the tails and were literally dragged through the snow.

Merle Franer, interestingly enough, helped form the first scout troop in Las Vegas and the Boulder Dam Area Council. That becomes important, because many, many scouts, most of them in southern Nevada, have made the trip—the climb up Mt. Charleston. Many scouts and many families have made their way up the mountain and have been profoundly affected when they arrived at the crash site.

Steve Ririe is a scoutmaster, he is sitting to the right of me. He made this trip with some of his scouts and was profoundly influenced by it. He thought about the families of these men who had perished on the mountain and wondered what they knew about this. It's a tragedy that many died in their youth. They were committed to the United States and the national protection. Part of the other tragedy is that many of these family members did not know the circumstances of their father's or their son's or their brother's death. Actually, many of them had the understanding that there was significant flight error or negligence or even gross negligence. It's commendable to Mr. Ririe, who took the initiative to go out and find descendants of these deceased military and scientists, and apprise them of the true facts surrounding the crash. For many of them, it has been a healing balm to them to know that there was a snowstorm, with severe conditions, and that there wasn't gross negligence on behalf of the pilots. We express our appreciation to Mr. Ririe for having undertaken that effort and bringing solace to many of those who have suffered.

The monument is meant to honor those who suffered through the Cold War. For whatever reason. There were many covert operations. People died. It wasn't necessarily a war of bullets and bombs, but it was a silent and cold war. And there are many who died, many families who suffered from that. They are who this monument is intended to honor. Thank you, Mr. Speaker.

Roll call on Senate Joint Resolution No. 9:

YEAS—38.

NAYS—None.

EXCUSED—Berman, Humke, Marvel, Nolan—4.

Senate Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Lois Graves, Tricia Grinsell, Clint Grinsell, Katie Grinsell, Leslie Moya, Mike Garland, Valen Hernandez, Sara Rodarte, Kristina Kim, Jarrett Hardester, Jeff Champagne, Abby Chainey, Alexis Hill, Monica Macaluso, Wan Lee, Ray Stover, Brandon Welty, Aurora Partridge, Priscilla Tran, Matt Henry, Christina Kim, Nancy Ortiz, Sara Sydenham, Nick Larsen, Heather Marvel, T.T. Tran, Joyce Ann Afuha'amango, Mark Towell and Judith Simpson.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Campbell.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to John Echeverria, Cathy Echeverria, Dena Echeverria, Michael Echeverria, Teresa Maloney, Dennis Maloney, Steve Echeverria, Kathleen Echeverria, Rawlins Echeverria, Marisa Cardenas, Jesse Cardenas, Adam Welmerink, Luke Welmerink, Emily Welmerink, Eric Welmerink, Joseph Zulaika, Bill Douglass and Carmelo Urza.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Torres, Shari Torres, Jeff Torres II, Josh Torres and Cheryl Bricker.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Joanne L. Goodwin and Caryl Batt Dziedziak.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Allbritten, Gina Bianchi, Cherena Camp, Jeremy Cannon, Felix Carrillo, Megan Craugh, Annelise Dankworth, Britney Eichenberger, Abigail Fiske, Luke Gentner, Ian Gunn, Nicole Hironaka, Hannah Kapczynski, Kevin Kengott, Yolanda Llamas, Ashley Lloyd, Katie McFarren, Andrew Mims, Matthew Phillips, Blake Plattsmier, Sarah Jean Savoie, Richard Shroy, Ann Dankworth, Denise Eichenberger, Beth Gunn and Judith Armstrong.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, March 16, 2001 at 10:30 a.m. and that it do so in the memory of John Faden.

Motion carried.

Assembly adjourned at 12:43 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 16, 2001

Assembly called to order at 10:41 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, Your Word directs us to make a priority to pray for our leaders and those who are in authority—so we do, pray for the leaders and people of our nation as we attempt to find solutions and answers to problems we face, both at home and overseas. We also call upon You and pray for our legislators—grant them wisdom and knowledge in all things, and specifically, bless the men and women of this Assembly, their staff and families. In the Name of the Most High God, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Commerce and Labor.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 176, 177, 301 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Joint Resolutions Nos. 4, 6 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 32, 153; Senate Bills Nos. 237, 239.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 12.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 59 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assembly Concurrent Resolution No. 10.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ohrenschall, Anderson, Arberry, Bache, Buckley, Chowning, Claborn, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Manendo, McClain, Mortenson, Parks, Parnell and Price:

Assembly Bill No. 388—AN ACT relating to mobile home parks; requiring a landlord to make available a rental agreement to rent or lease a mobile home lot for a certain period under certain circumstances; setting forth the provisions that must be included in such an agreement; authorizing a tenant to execute an assignment or sublease in certain circumstances; revising the circumstances under which a landlord may increase the rent of his tenants to recover the cost of a capital improvement made to a park; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Bache, Anderson, Buckley, Chowning, Claborn, Freeman, Giunchigliani, Goldwater, Koivisto, Manendo, McClain, Mortenson, Parks, Parnell, Price and Von Tobel:

Assembly Bill No. 389—AN ACT relating to mobile home parks; requiring the landlord of a mobile home park to prepare an annual statement and to post and distribute such statement; requiring the administrator of the manufactured housing division of the department of business and industry to enact certain regulations; requiring an increase in rent pursuant to a rental or lease agreement to be calculated in a certain manner; authorizing a tenant to

assign his lease of a mobile home lot; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Price, Bache and Giunchigliani:

Assembly Bill No. 390—AN ACT relating to insurance; prohibiting an insurer who offers a policy of insurance for a motor vehicle from basing certain decisions relating to the policy on the consumer report of an applicant, policyholder or a member of the household of the applicant or policyholder; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Bill No. 391—AN ACT relating to public lands; providing a civil remedy and a criminal penalty for certain acts; authorizing a board of county commissioners to adopt certain ordinances relating to public lands located within the county; authorizing a district attorney to initiate or defend an action relating to public lands under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Constitutional Amendments.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:51 a.m.

ASSEMBLY IN SESSION

At 10:52 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Price withdrew the motion that Assembly Bill No. 391 be referred to the Committee on Constitutional Amendments.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen de Braga, Price, Angle, Bache, Freeman, Gibbons, Goldwater, Manendo, Mortenson, Neighbors, Parks and Tiffany:

Assembly Bill No. 392—AN ACT relating to contractors; revising certain fees for licensing a contractor; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Price, Bache and Giunchigliani:

Assembly Bill No. 393—AN ACT relating to industrial insurance; providing for a prospective increase in compensation for a permanent total disability or permanent partial disability under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Buckley, Parks, McClain, Koivisto, Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Brower, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Hettrick, Lee, Leslie, Manendo, Marvel, Mortenson, Neighbors, Oceguela, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Bill No. 394—AN ACT relating to criminal procedure; requiring a court to advise a defendant of the immigration consequences of a plea of guilty or nolo contendere; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Oceguela, Giunchigliani, McClain, Parks, Freeman, Goldwater, Koivisto, Manendo and Price; Senators O'Donnell, O'Connell, Care and Titus:

Assembly Bill No. 395—AN ACT relating to land use planning; revising the provisions governing the authority of a city or county to control the location of certain residential facilities; and providing other matters properly relating thereto.

Assemblyman Oceguela moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Brown, Cegavske, Gibbons, Humke, Berman, Anderson, Angle, Arberry, Bache, Beers, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Coffin, Rawson and Shaffer:

Assembly Bill No. 396—AN ACT relating to evidence; making a statement made by a child describing an act of physical abuse of the child

admissible in criminal proceedings under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Brower:

Assembly Bill No. 397—AN ACT relating to evidence; providing for the admissibility of statements made by an unavailable declarant concerning the infliction or threat of physical injury upon the declarant under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen McClain, Koivisto, Buckley, Leslie, Ohrenschall, Anderson, Arberry, Bache, Berman, Carpenter, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Lee, Manendo, Mortenson, Neighbors, Ocegüera, Parks, Parnell, Price, Smith and Williams; Senator Titus:

Assembly Bill No. 398—AN ACT relating to prescription drugs; directing the department of human resources to include a demonstration project in the state plan for Medicaid that will provide access to discounted prescription drug benefits for certain low-income persons; requiring the director to apply for all necessary waivers from federal law and regulation; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 399—AN ACT relating to false reports; providing for civil liability for making a false report of a crime or an emergency; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 400—AN ACT relating to crimes; revising the crime of aggravated stalking; revising provisions concerning where crimes of harassment, stalking and aggravated stalking are deemed to have been committed; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 401—AN ACT relating to bail; reducing the time for forfeiting bail when a defendant fails to appear; requiring persons who provide bail on behalf of a defendant to make ongoing efforts to bring the defendant before the court when the defendant has failed to appear and to report such efforts to the court; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Freeman and Marvel:

Assembly Bill No. 402—AN ACT relating to cemeteries; authorizing the creation of family cemeteries; revising the authority and procedure for ordering disinterment and removal of human remains and care of gravesites; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Neighbors and Tiffany:

Assembly Bill No. 403—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for costs relating to the preservation of Walker Lake; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 404—AN ACT relating to taxation; expanding the eligibility for exemptions from certain taxes for veterans; providing for prospective graduated increases in the amount of the exemption from certain taxes for veterans; requiring that money from the contribution by a veteran of the value of an exemption from certain taxes for veterans be credited to the gift account for veterans' homes; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Angle, Gibbons, Beers, Brown, Carpenter, Cegavske, Claborn, Collins, Gustavson, Hettrick, Marvel, Nolan, Price, Tiffany and Von Tobel; Senators Rawson, Neal, Coffin, Washington, O'Donnell and Shaffer:

Assembly Bill No. 405—AN ACT relating to education; requiring the boards of trustees of school districts and the governing bodies of charter schools to administer certain examinations in reading to pupils who are enrolled in certain grade levels; requiring the department of education to prepare a list of approved examinations to determine the reading level of certain pupils; revising the provisions governing the standards of content and performance established by the council to establish academic standards for public schools for English in the subject area of reading; revising the provisions governing the selection of textbooks by the state board of education; revising the provisions governing the approval of certain courses of study and training for teachers; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Carpenter and Marvel; Senator Rhoads:

Assembly Bill No. 406—AN ACT relating to the Elko Convention and Visitors Authority; repealing the requirement that the board of governors of the authority reimburse the county clerk of Elko County for all costs of a general authority election; redefining the boundaries of the authority; repealing the procedure for adding land to or excluding land from those boundaries; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Claborn, Koivisto, Collins, McClain and Ocegura:

Assembly Bill No. 407—AN ACT relating to community redevelopment; revising the provisions governing development projects on which the prevailing wage must be paid; and providing other matters properly relating thereto.

Assemblywoman Claborn moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Manendo, Ohrenschall, Anderson, Bache, Berman, Claborn, Gibbons, Goldwater, Parks and Williams:

Assembly Bill No. 408—AN ACT relating to crimes; making a person who subjects a child under the age of 12 years to certain sexual acts guilty per se of sexual assault; increasing the age of a child against whom the crime

of open and gross lewdness may be committed from 14 to 16 years; providing penalties; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Manendo, Anderson, Ohrenschall, Gibbons, Williams, Arberry, Bache, Buckley, Chowning, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, McClain, Neighbors, Ocegüera, Parks, Perkins and Price:

Assembly Bill No. 409—AN ACT relating to education; revising provisions governing the increase in salary for a teacher who is certified by the National Board for Professional Teaching Standards; revising provisions governing the budgets for school districts; prescribing a pupil-teacher ratio for the fourth grade; making appropriations for special education; authorizing expenditures from the state distributive account for programs of remedial study; making appropriations for educational technology; making appropriations for the employment of school nurses and school psychologists; making an appropriation for the reimbursement of certain costs of teachers who acquire certification by the National Board for Professional Teaching Standards; making an appropriation for school districts to provide programs to pupils who have limited proficiency in the English language; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Carpenter (by request):

Assembly Bill No. 410—AN ACT relating to professions; creating the outfitters and guides licensing board of Nevada; providing for licensure of outfitters and guides; providing penalties; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Lee:

Assembly Bill No. 411—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for medical devices ordered or prescribed by providers of health care; contingently providing the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Tiffany:

Assembly Bill No. 412—AN ACT relating to animals; authorizing governing bodies of counties and cities to establish an advisory committee on animals; prescribing the duties of such an advisory committee; requiring certain animal shelters to observe certain animals perceived as dangerous to determine the appropriate disposition of the animals; requiring an animal shelter to report its determination regarding the appropriate disposition of an animal to the advisory committee under certain circumstances; providing limited immunity from civil or criminal liability under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Gustavson (by request):

Assembly Bill No. 413—AN ACT relating to cooperative agreements; providing that an entity created by cooperative agreement between local governments must not affect adversely the operation or continued existence of a public agency that is not a party to the agreement; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Perkins, Parks, Beers, Ohrenschall, Gibbons, Anderson, Arberry, Bache, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Ocegüera, Parnell, Price, Smith, Tiffany and Williams:

Assembly Bill No. 414—AN ACT relating to the state public works board; authorizing the removal of the manager of the board under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Lee:

Assembly Bill No. 415—AN ACT relating to pharmacy; requiring the state board of pharmacy to adopt regulations relating to the electronic transmission or transmission by a facsimile machine of certain prescriptions from a practitioner to a pharmacist for the dispensing of a drug; requiring an applicant for registration as an intern pharmacist to be enrolled in a college of pharmacy or department of pharmacy of a university approved by the board; prohibiting the board from issuing a private reprimand to the holder of a certificate, license or permit issued by the board; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 237.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 239.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 171.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 26 of the 70th Session.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 64 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 11; Senate Concurrent Resolution No. 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Armstrong.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Keith Rheault.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Don Peckham, Asa J. Aninao, Adam P. Barba, Christopher D. Becher, Emily M. Bedell, Jordan Bjerke, Mitchell J. Cukrov, Daniel P. Ferrari, Gavin R. Goetz, Courtney R. Haddock, Cameron J. Harris, Julian H. Jacobs, Richard S. Kern, Micaela M. Koci, Diana K. Lang, Jarad M. Mouchou, Maggie E. Olander, Eda Ozmen, Kate Pool, Adam G. Pope, Barrett L. Sande, Ethan C. Strawn, Tyler M. Thompson, Anthony J. Villa, Connor M. Warren, Liana Weber, Jordan S. Basta, Jessica S. Bertrand, James Bolotin, Brian D. Bus, Christianna M. Coleman, Henry C. Davis, Sam B. Douglass, Jessica L. Hansen,

Jonathan C. Hatjakes, Carilyn A. Hoffman, Chase N. Howard, Morgan M. Iveson, Dominic Kukulica, Megan C. Mathis, Shane P. McGuire, Shannon M. McGuire, Charles H. Michels, Jamie K. Olander, Ashleigh A. Rahming, Jacob D. Schulte, Ryan S. Siri, Sarah D. Stanko, Ryan D. Starr, Johnathan R. Stewart, Kallyn L. Waddington, Glenn M. Wallace, Mary E. Anderson, Christina F. Bedolla, James M. Bertoldi, Sam T. Breen, Casey R. Conrad, Dimitry J. Ediss, Lauren Eisele, Greyson D. Fritz, Kyle A. Goetz, Connor W. Gomez, Hillary N. Greene, John A. Kirsch, Alan M. Lyons, Coleman J. Manson, Spencer Mason, Catherine A. Mathis, Mieka McGhin, Cassandra M. McHardy, Erik M. Peterson, Gina M. Rosa, Richard J. Schneider, Quincy A. Shanks, David R. Sidorski, Melissa E. Slocumb, Ian A. Vigen, Thomas L. Wood, Jennifer Yi, Karen Hume, Marlene Cate and Diana Ghio.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Coleman and Evelyn Shewan.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Nicole Lopez and Courtney Tiffany.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 19, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:16 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 19, 2001

Assembly called to order at 10:50 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Bache, who was excused.

Prayer by the Chaplain, Pastor Monte Fast.

May you have the hindsight to know where you've been, the foresight to know where you're going, and the insight to know when you've gone too far.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Hettrick:

Assembly Joint Resolution No. 8—Proposing to amend the Constitution of the State of Nevada to authorize the Nevada legislature to provide for the separate taxation of property whose development is restricted by an interstate compact for environmental purposes.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 10 of the Constitution of the State of Nevada be amended to read as follows:

Section 1. 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The legislature may constitute ~~[agricultural]~~ :

(a) *Agricultural* and open-space real property having a greater value for another use than that for which it is being used ~~[as a separate class]~~; and

(b) *Property the development of which is restricted pursuant to an interstate compact for the preservation and restoration of the natural environment of the region in which the property is located,*

as separate classes for taxation purposes and may provide ~~[a]~~ separate uniform ~~[plan]~~ plans for appraisal and valuation of such property for assessment purposes. If such a plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when *the agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used* ~~[]~~, *or the property the development of which is restricted is subsequently developed.*

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

Assemblyman Hettrick moved that the resolution be referred to the Committee on Taxation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Williams, de Braga, Bache, Leslie, Anderson, Arberry, Berman, Brown, Buckley, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Gibbons, Goldwater, Koivisto, Lee, Manendo, McClain, Mortenson, Neighbors, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith and Tiffany; Senators Rawson, Coffin, Wiener, Titus and Mathews:

Assembly Bill No. 416—AN ACT relating to education; revising provisions governing the establishment of the basic support guarantee for special education program units; prescribing a maximum percentage of pupils with disabilities in a regular education classroom; revising provisions

governing class-size reduction; making appropriations for certain early childhood programs; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 417—AN ACT relating to evidence; expanding the circumstances under which expert testimony concerning the effects of domestic violence is admissible in a criminal proceeding; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen de Braga, Bache, Dini, Buckley, Giunchigliani, Chowning and Perkins:

Assembly Bill No. 418—AN ACT relating to energy; expanding the list of primary sources of fuel that may be used by a net metering system; revising the portfolio standard that the public utilities commission of Nevada must establish for renewable energy resources; requiring the commission on economic development to disseminate to smaller counties certain information regarding plants and other facilities that a utility proposes to construct or locate within this state; requiring certain governmental entities to include in the construction or renovation of certain public buildings certain measures pertaining to the conservation of energy and the use of alternative sources of energy; expanding the tax exemption for facilities that generate electricity from solar energy to include facilities that generate electricity from other alternative sources of energy; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Select Committee on Energy.

Motion carried.

By Assemblymen Gustavson, Berman, Carpenter, Cegavske, Claborn, Collins, Gibbons, Humke and Price; Senator Washington:

Assembly Bill No. 419—AN ACT relating to peace officers; conferring the powers of a peace officer upon certain members, agents or local or district officers of a society for the prevention of cruelty to animals under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:56 a.m.

ASSEMBLY IN SESSION

At 10:58 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Gustavson withdrew the motion that Assembly Bill No. 419 be referred to the Committee on Government Affairs.

Assemblyman Gustavson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Gustavson, Angle, Beers and Gibbons:

Assembly Bill No. 420—AN ACT relating to taxation; providing in skeleton form for the repeal of the basic privilege tax for vehicles in prospective increments; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Parnell, Leslie, Gibbons, Lee and Smith:

Assembly Bill No. 421—AN ACT relating to the lending of money; imposing a limit upon the rate of interest chargeable upon loans regulated pursuant to chapter 675 of NRS; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Buckley, Freeman, Parks, Manendo, Neighbors, Anderson, Arberry, Bache, Chowning, Claborn, Collins, Gibbons, Giunchigliani, Lee, Leslie, McClain, Mortenson, Parnell, Price and Smith:

Assembly Bill No. 422—AN ACT relating to health care; requiring an external review organization to be certified by the commissioner of insurance before conducting an external review of a final adverse determination of a managed care organization or health maintenance organization; authorizing an insured under certain health care plans to submit to a managed care organization or health maintenance organization a request for such a review under certain circumstances; requiring an external review organization to approve, modify or reverse a final adverse determination within a certain period; providing that an external review organization is not liable in a civil action for damages relating to a determination issued by the external review organization under certain circumstances; requiring the director of the office for consumer health assistance to contract with certain external review organizations; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hettrick (by request):

Assembly Bill No. 423—AN ACT relating to industrial insurance; providing for the availability of benefits to certain employees for exposure to certain contagious diseases; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen McClain, Manendo, Parks, Ohrenschall, Dini and Leslie; Senators Titus and Care:

Assembly Bill No. 424—AN ACT relating to public highways; directing the Department of Transportation to construct or cause to be constructed walls to function as sound barriers alongside a certain portion of U.S. Interstate No. 515 in Clark County; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblywoman Angle:

Assembly Bill No. 425—AN ACT relating to insurance; authorizing a chamber of commerce to engage in the business of insurance under certain circumstances; revising the provisions governing certain policies of health insurance that provide coverage for a child or a parent or spouse of a parent of a policyholder; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Angle:

Assembly Bill No. 426—AN ACT relating to juvenile offenders; requiring the Division of Child and Family Services of the Department of Human Resources to establish a pilot program to study the literacy of juvenile offenders; making an appropriation to carry out the pilot program; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 427—AN ACT relating to state purchasing; revising the requirements for a request for proposals for a contract for state purchasing; revising the manner in which such a contract is awarded; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 428—AN ACT relating to the state public works board; requiring the board to notify the governor if a member of the board fails to attend three successive meetings of the board; authorizing the governor to replace such a member for the unexpired term of the member; establishing qualifications for appointed members of the board; requiring the board to obtain the approval of the legislature or interim finance committee for certain changes to a project; requiring the inclusion of certain provisions concerning change orders in a contract with a design professional; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 429—AN ACT relating to the protection of children; requiring each person who submits a report or information to a court for consideration in certain proceedings concerning protective services for a child to provide a copy of the report or information to the parent or guardian of the child or the attorney of the parent or guardian within a certain time before the proceeding; providing that such a proceeding may be continued under certain circumstances; providing that the parent or guardian or the attorney of the parent or guardian is entitled to receive a copy of the recording or transcript of such a proceeding under certain circumstances; reducing the period within which the placement of a child with a person other than his parent must be reviewed; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Cegavske and Hettrick:

Assembly Bill No. 430—AN ACT relating to general improvement districts; authorizing a general improvement district to charge the owner of a suspected dwelling unit for services that are provided by the district; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Ocegueda:

Assembly Bill No. 431—AN ACT relating to the public employees' retirement system; requiring the public employees' retirement board to establish a deferred retirement option plan; and providing other matters properly relating thereto.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 432—AN ACT making an appropriation to the Town of Pahrump for the support of the Pahrump-Nye County Fairgrounds and Recreation Complex; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 433—AN ACT relating to taxation; providing guidelines for determining the amount of time a person leases or uses certain property for the purpose of determining the amount of tax to be levied on such lease or use; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 434—AN ACT relating to taxation; exempting from property taxes certain property used as a facility for researching and developing the technology required to generate electrical energy from renewable resources or as a facility for the generation or production of electrical energy from one or more renewable resources, or both; exempting from certain sales and use taxes the sale or use of property for use in equipping, constructing, operating or maintaining a facility for research and development of the technology required to generate electrical energy from renewable resources or for the generation or production of electrical energy from one or more renewable resources, or both; requiring the director of the office of science, engineering and technology to certify such exemptions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Concurrent Committees on Taxation and Education.

Motion carried.

By Assemblywoman Ohrenschall:

Assembly Bill No. 435—AN ACT relating to civil liability; revising the provisions pertaining to strategic lawsuits against public participation; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Manendo, Goldwater, Leslie, Gibbons, Angle, Arberry, Beers, Brower, Brown, Carpenter, Cegavske, Claborn, de Braga, Freeman, Gustavson, Hettrick, McClain, Mortenson, Price and Williams:

Assembly Bill No. 436—AN ACT relating to evidence; expanding the circumstances under which evidence concerning the prior acts of a criminal defendant is admissible in a criminal proceeding involving domestic violence; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Anderson, Carpenter, Claborn, Koivisto, Manendo, McClain and Ocegüera:

Assembly Bill No. 437—AN ACT relating to public safety; requiring certification by a psychologist or psychiatrist before certain offenders may be released to serve suspended sentences, probation or residential confinement; making offenders convicted of certain sex offenses that are misdemeanors or gross misdemeanors subject to the provisions governing community notification of sex offenders; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Perkins (by request):

Assembly Bill No. 438—AN ACT relating to common-interest communities; authorizing the creation of planned communities governed by landscape maintenance associations; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Brower:

Assembly Bill No. 439—AN ACT relating to solicitation by telephone; requiring the establishment of a registry of consumers who do not wish to receive unsolicited telephone calls for the sale of goods or services; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 440—AN ACT relating to the Moapa Valley Water District; revising the provisions governing the qualifications and election of members of the governing board of the district; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 441—AN ACT relating to libraries; establishing a procedure for the alteration of the boundaries of certain library districts; ratifying certain previously made alterations of the boundaries of certain library districts; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ohrenschall, Manendo, Claborn, Anderson, Angle, Arberry, Berman, Brown, Buckley, Carpenter, Chowning, Collins, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Hettrick, Humke, Koivisto, Lee, McClain, Mortenson, Nolan, Ocegüera, Parks and Price:

Assembly Bill No. 442—AN ACT relating to sanitation; increasing the maximum penalty for disposing of sewage, garbage or certain other substances unlawfully; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Freeman:

Assembly Bill No. 443—AN ACT relating to elections; providing for certain designated areas for gathering signatures on petitions; prohibiting state and local government, for certain periods, from expending money to support or oppose candidates or ballot questions; revising requirements governing petition circulators; requiring the secretary of state to prepare a nonbonding code of ethics for petition circulators; revising provisions regarding verification of signatures on certain petitions; revising requirements governing the committees that prepare arguments regarding county and municipal ballot questions; extending the period for gathering signatures on certain petitions; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblywoman Freeman:

Assembly Bill No. 444—AN ACT relating to the preservation of neighborhoods; providing for the revocation of the license or certification of certain facilities for the care and treatment of persons in certain circumstances; requiring certain rental agreements to contain a summary of certain criminal provisions regarding nuisances; requiring that the responsible person whose telephone number a landlord is required to provide to a tenant for emergencies must reside in the same county in which the premises are located; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Gustavson:

Assembly Bill No. 445—AN ACT relating to local governments; establishing certain requirements regarding the issuance and validity of work permits for the gaming business and all other businesses; limiting the authority of a local government to require a report concerning the criminal history of an applicant for a work permit under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Perkins, Goldwater and Dini:

Assembly Bill No. 446—AN ACT relating to unarmed combat; authorizing the Nevada athletic commission to require the registration of certain television networks and sanctioning organizations; requiring certain information that must be provided to the commission to be kept confidential; revising the provisions relating to the suspension of a license or permit issued by the commission; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 447—AN ACT relating to lending practices; prohibiting certain acts by lenders of home loans as unfair lending practices; providing for enforcement by the attorney general; revising related provisions governing credit insurance; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen de Braga and Carpenter:

Assembly Bill No. 448—AN ACT relating to railroad trains; requiring the Nevada gaming commission to adopt regulations governing the licensing and operation of railroad gaming; making an appropriation to White Pine County for the repair of certain trains and the purchase and renovation of certain track; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Carpenter, de Braga and Marvel; Senators Rhoads and McGinness:

Assembly Bill No. 449—AN ACT relating to gaming; reserving a portion of certain gaming license fees collected from persons licensed to conduct off-track pari-mutuel wagering to augment purses for horse racing in certain counties; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Tiffany, Cegavske, Beers, Chowning, Hettrick, Leslie, Marvel and Parks; Senators Rawson, Coffin, Jacobsen, Mathews and O'Donnell:

Assembly Bill No. 450—AN ACT relating to education; making an appropriation for allocation to school districts for the purchase of textbooks and workbooks; making an appropriation for allocation to school districts for the purchase of textbooks and for professional development and educational technology; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Perkins, Dini, Giunchigliani, Chowning, Cegavske, Beers, Carpenter, Claborn, de Braga, Goldwater, Hettrick, Koivisto, Leslie, Marvel, McClain, Mortenson, Nolan and Ohrenschall:

Assembly Bill No. 451—AN ACT relating to local governments; authorizing counties and cities to donate real property to certain nonprofit organizations in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 452—AN ACT relating to insurance; requiring certain providers of individual or group health insurance to contract with federally qualified health centers as providers of certain health care services under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 453—AN ACT relating to controlled substances; authorizing the medical use of marijuana in certain circumstances; revising the penalties for possessing marijuana; making appropriations for the continuation of certain court programs of treatment for the abuse of alcohol or drugs; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Mortenson moved that the action whereby Assembly Bill No. 434 was referred to the Concurrent Committees on Taxation and Education be rescinded.

Motion carried.

Assemblyman Mortenson moved that Assembly Bill No. 434 be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Arberry, Giunchigliani, Collins, Anderson, Berman, Buckley, Dini, Goldwater, Manendo, Mortenson, Neighbors, Price and Tiffany:

Assembly Bill No. 454—AN ACT relating to the University and Community College System of Nevada; establishing the duty of board of regents of the University of Nevada to appoint certain administrative personnel; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Goldwater, Cegavske and Arberry; Senators McGinness, Coffin and Schneider:

Assembly Bill No. 455—AN ACT relating to taxation; authorizing the Nevada tax commission to enter into, under certain circumstances, the streamlined sales and use tax agreement, to act jointly with other states to simplify and modernize sales and use tax administration, take other actions reasonably required to implement the agreement and represent this state before the other states that are signatories to the agreement; allocating certain liabilities among certain participants in certain sales or services that involve more than one state; specifying that no provision of the agreement invalidates or amends any provision of Nevada law; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Gustavson, Price, Angle, Beers, Berman, Carpenter, Cegavske, Gibbons, Hettrick, Humke, Mortenson and Neighbors:

Assembly Bill No. 456—AN ACT relating to gaming tokens; creating an advisory committee on gaming tokens; authorizing the minting of gaming tokens of the State of Nevada; providing for the use of the gaming tokens in gaming establishments; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Beers and Goldwater:

Assembly Bill No. 457—AN ACT relating to taxation; revising the provisions governing the distribution of the basic vehicle privilege tax revenue to increase the amount allocated for educational purposes; specifying the educational purposes for which the additional allocation may be used; allowing an increase in the amount of revenue from taxes ad valorem that certain larger counties may receive to offset the reduction in revenue resulting from the reallocation; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Parks (by request):

Assembly Bill No. 458—AN ACT relating to impact fees; including a fire station project, park project and police station project as capital improvements which a local government may finance by imposing impact fees on new developments; prohibiting a local government from imposing an impact fee for a park project in certain circumstances; revising the definition

of “street projects” to include traffic signals; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parks, Leslie, Williams, Bache, Anderson, Arberry, Buckley, Cegavske, Chowning, Claborn, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Manendo, McClain, Mortenson, Neighbors, Ohrenschall, Parnell, Perkins, Price and Smith; Senators Titus, Wiener, Rawson, Care and Coffin:

Assembly Bill No. 459—AN ACT relating to education; prohibiting harassment, intimidation, and discrimination in public schools; requiring the department of education to prescribe a policy for public schools to provide a safe and respectful learning environment; requiring the boards of trustees of school districts to adopt local policies and to provide appropriate training for personnel; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 460—AN ACT relating to motor vehicles; revising provisions governing the payment of fees by short-term lessors of passenger cars to require monthly or quarterly payments to the department of taxation; revising the manner in which those fees are required to be distributed; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 461—AN ACT relating to public works; eliminating the requirement that the state public works board or a governing body of a local government have a public hearing before adopting criteria for the qualification of bidders on a contract for a public work; requiring the board or governing body to disqualify persons from bidding on public works contracts in certain circumstances based on their past performance on contracts for public works; requiring the appointment of a committee to evaluate bids for certain public works projects; establishing criteria for evaluating certain bids for a public work to determine whether a bid is a best bid; repealing the provision providing an exemption from qualifying to bid for public works; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hettrick moved that the action whereby Assembly Bill No. 429 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblywoman Ohrenschall moved that the action whereby Assembly Bill No. 442 was referred to the Committee on Natural Resources, Agriculture, and Mining be rescinded.

Motion carried.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Williams moved that the action whereby Assembly Bill No. 450 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 152.

Bill read second time.

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

Amendment No. 39.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 598A.060 is hereby amended to read as follows:

598A.060 1. Every activity enumerated ~~[below]~~ in this ~~[section]~~ *subsection* constitutes a contract, combination or conspiracy in restraint of trade, and it is unlawful to conduct any part of any such activity in this state:

~~[(1)]~~ (a) Price fixing, which consists of raising, depressing, fixing, pegging or stabilizing the price of any commodity or service, and which includes, but is not limited to:

~~[(a)]~~ (1) Agreements among competitors to depress prices at which they will buy essential raw material for the end product.

~~[(b)]~~ (2) Agreements to establish prices for commodities or services.

~~[(c)]~~ (3) Agreements to establish uniform discounts, or to eliminate discounts.

~~[(d)]~~ (4) Agreements between manufacturers to price a premium commodity a specified amount above inferior commodities.

~~[(e)]~~ (5) Agreements not to sell below cost.

~~[(f)]~~ (6) Agreements to establish uniform trade-in allowances.

~~[(g)]~~ (7) Establishment of uniform cost surveys.

~~[(h)]~~ (8) Establishment of minimum markup percentages.

~~[(i)]~~ (9) Establishment of single or multiple basing point systems for determining the delivered price of commodities.

~~[(j)]~~ (10) Agreements not to advertise prices.

~~[(k)]~~ (11) Agreements among competitors to fix uniform list prices as a place to start bargaining.

~~[(l)]~~ (12) Bid rigging, including the misuse of bid depositories, foreclosures of competitive activity for a period of time, rotation of jobs among competitors, submission of identical bids, and submission of complementary bids not intended to secure acceptance by the customer.

~~[(m)]~~ (13) Agreements to discontinue a product, or agreements with anyone engaged in the manufacture of competitive lines to limit size, styles or quantities of items comprising the lines.

~~[(n)]~~ (14) Agreements to restrict volume of production.

~~[2-]~~ (b) Division of markets, consisting of agreements between competitors to divide territories and to refrain from soliciting or selling in certain areas.

~~[3-]~~ (c) Allocation of customers, consisting of agreements not to sell to specified customers of a competitor.

~~[4-]~~ (d) Tying arrangements, consisting of contracts in which the seller or lessor conditions the sale or lease of commodities or services on the purchase or leasing of another commodity or service.

(e) Monopolization of trade or commerce in this state, including, without limitation, attempting to monopolize or otherwise combining or conspiring to monopolize trade or commerce in this state.

(f) Except as otherwise provided in subsection 2, consolidation, conversion, merger, acquisition of shares of stock or other equity interest, directly or indirectly, of another person engaged in commerce in this state or the acquisition of any assets of another person engaged in commerce in this state that may:

(1) Result in the monopolization of trade or commerce in this state or would further any attempt to monopolize trade or commerce in this state; or

(2) Substantially lessen competition or be in restraint of trade.

2. The provisions of paragraph (f) of subsection 1 do not:

(a) Apply to a person who, solely for an investment purpose, purchases stock or other equity interest or assets of another person if the purchaser does not use his acquisition to bring about or attempt to bring about the substantial lessening of competition in this state.

(b) Prevent a person who is engaged in commerce in this state from forming a subsidiary corporation or other business organization and owning

and holding all or part of the stock or equity interest of that corporation or organization.

Sec. 3. The amendatory provisions of this act do not apply to offenses committed before July 1, 2001.”

Amend the title of the bill to read as follows:

“AN ACT relating to trade practices; authorizing a court to award reasonable attorney’s fees and costs in certain actions relating to deceptive trade practices; providing that certain monopolies and other trade practices are unlawful if they monopolize trade or commerce in this state; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing trade practices. (BDR 52-485)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Assemblyman Dini moved that upon return from the printer Assembly Bill No. 152 be re-referred to the Committee on Commerce and Labor.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Commerce and Labor.

Assembly Bill No. 176.

Bill read second time and ordered to third reading.

Assembly Bill No. 177.

Bill read second time and ordered to third reading.

Assembly Bill No. 301.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 171.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 171:

YEAS—41.

NAYS—None.

EXCUSED—Bache.

Assembly Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 26 of the 70th Session.

Resolution read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 171:

YEAS—41.

NAYS—None.

EXCUSED—Bache.

Assembly Joint Resolution No. 26 of the 70th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 64:

YEAS—41.

NAYS—None.

EXCUSED—Bache.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Collins:

Assembly Bill No. 462—AN ACT relating to local governments; authorizing the governing body of a city or county to impose a tax on nonresidential construction or require the dedication of certain land for neighborhood parks; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Ways and Means.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Collins withdrew the motion that Assembly Bill No. 462 be referred to the Committee on Ways and Means.

Assemblyman Collins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Collins (by request):

Assembly Bill No. 463—AN ACT relating to animals; revising the duties of a driver of a vehicle when approaching or passing a person who is driving an animal-drawn vehicle or riding or herding an animal; providing an additional penalty for certain crimes relating to police animals; clarifying that certain provisions related to riding horses in public places do not apply to police officers while performing their official duties; providing penalties; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Williams, Cegavske, Leslie, Manendo, Parks, Anderson, Arberry, Brower, Freeman, Gibbons, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, McClain, Nolan, Ocegvera, Parnell, Smith and Von Tobel:

Assembly Bill No. 464—AN ACT relating to substances causing impairment; providing an increased penalty for a conviction of a fourth or subsequent offense within 14 years for operating a vehicle while under the influence of an intoxicating liquor or controlled substance; providing that any subsequent violation after 14 years is treated as a felony; providing penalties; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Brown, Anderson, Beers, Cegavske, Chowning, Claborn, Collins, de Braga, Gibbons, Hettrick, Lee, Manendo, Marvel, Mortenson, Nolan, Ohrenschall, Parnell, Price, Smith and Von Tobel:

Assembly Bill No. 465—AN ACT relating to transportation; authorizing the use of the proceeds of certain taxes for certain highway improvement projects located wholly or partially outside the boundaries of the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Leslie, Parks, Parnell, Gibbons, Anderson, Brower, Chowning, Freeman, Giunchigliani, Humke, Smith and Tiffany; Senator Mathews:

Assembly Bill No. 466—AN ACT relating to gaming employees; providing for the issuance of statewide work permits for gaming employees; establishing a maximum fee for the issuance of such a work permit; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.
Motion carried.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 5:06 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 9—Urging the Congress of the United States to repeal a provision of federal law that requires each state to record the social security number of a citizen on an application for a driver's license for the state to receive certain federal funding.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Health and Human Services:

Assembly Joint Resolution No. 10—Urging Congress to amend the Social Security Act to modify certain reductions in social security benefits that are required for spouses and surviving spouses who are also receiving certain federal, state or local government pensions.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Beers, Hettrick, Tiffany, Cegavske, Angle, Berman, Brower, Brown, Carpenter, Gibbons, Gustavson, Humke, Marvel, Nolan and Von Tobel; Senators Rawson, James, Amodei, Jacobsen, McGinness, O'Donnell and Washington:

Assembly Bill No. 467—AN ACT relating to interior design; deregulating the practice of interior design; revising the name of the state board of architecture, interior design and residential design; requiring city and county building codes to include provisions governing the fire safety of interior materials and furnishings; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Beers, Tiffany, Berman, Brown, Carpenter, Collins, Hettrick, Humke, Lee, Marvel, Ocegueda, Ohrenschall and Price:

Assembly Bill No. 468—AN ACT relating to water; requiring a county of origin to obtain the prior approval of the state engineer before imposing a tax on certain transfers of water; requiring the state engineer to make certain determinations concerning those transfers; prohibiting the imposition of the tax upon certain water; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Beers, Collins, Brown, Hettrick, Humke, Lee, Ohrenschall, Price and Tiffany:

Assembly Bill No. 469—AN ACT relating to watercraft; prohibiting the operation of certain motorboats by persons who do not satisfy certain requirements; prohibiting the rental or lease of certain motorboats to those persons; requiring the division of wildlife of the state department of conservation and natural resources to certify instructors to provide courses in safe boating; requiring the division to establish a database of persons who possess certificates relating to safe boating; revising provisions regarding the operation of personal watercraft; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Humke, Cegavske, Angle, Anderson, Beers, Brower, Buckley, Carpenter, Chowning, de Braga, Dini, Gibbons, Giunchigliani, Hettrick, Leslie, Marvel, Nolan and Von Tobel:

Assembly Bill No. 470—AN ACT relating to juvenile justice; creating the juvenile crime reduction fund; providing for the administration and use of the fund; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblywoman Freeman:

Assembly Bill No. 471—AN ACT relating to health care; revising the provisions governing a declaration to withhold or withdraw life-sustaining treatment; revising the provisions governing a durable power of attorney for health care and other powers of attorney concerning the withholding or

withdrawal of life-sustaining treatment; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Humke and Koivisto:

Assembly Bill No. 472—AN ACT relating to public health; requiring each health authority to establish and carry out a program to survey and control diseases that may be transmitted by arthropods or rodents; requiring a board of county commissioners to pay the costs of carrying out such a program in that county; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Nolan, Brown, Parks, Cegavske, Anderson, Angle, Beers, Berman, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Gustavson, Hettrick, Koivisto, Manendo, Mortenson, Neighbors, Smith, Tiffany and Von Tobel:

Assembly Bill No. 473—AN ACT relating to public safety; making an appropriation to the Health Division of the Department of Human Resources for the purchase of automated external defibrillators for distribution to certain public places and establishments; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Nolan, Gibbons, McClain, Beers, Manendo, Berman, Brown, Cegavske, Claborn, Collins, Giunchigliani, Hettrick, Koivisto, Mortenson, Parks, Smith and Tiffany:

Assembly Bill No. 474—AN ACT relating to motor vehicles; requiring the director of the department of motor vehicles and public safety to establish a toll-free telephone number for the reporting of certain violations relating to the registration of a vehicle; authorizing the Nevada highway patrol to appoint volunteers to issue certain citations relating to the registration of a vehicle; providing an administrative penalty for failing to register a vehicle within a certain time; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 475—AN ACT relating to state employees; establishing an account within the state general fund to pay certain parking and licensing expenses and costs relating to supplemental insurance of persons in the classified and unclassified service of the state; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblyman Dini (by request):

Assembly Bill No. 476—AN ACT relating to motor vehicles; revising the fee for the reinstatement of the registration of a motor vehicle that was suspended for lack of insurance; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 477—AN ACT relating to real property; requiring a claimant to present a claim of constructional defect to the state contractors' board for review and investigation before commencing an action based upon the claim; revising provisions governing the duties of the state contractors' board to require the board to review and investigate claims of constructional defects; revising the definition of a constructional defect; eliminating mandatory mediation in cases involving a constructional defect; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:14 p.m.

ASSEMBLY IN SESSION

At 5:25 p.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Price, Arberry, Chowning, Claborn, Collins, de Braga, Freeman, Giunchigliani, Goldwater, McClain, Mortenson, Ohrenschall and Williams:

Assembly Bill No. 478—AN ACT relating to labor; authorizing collective bargaining for employees of the supreme court, the legislative counsel bureau

and boards and commissions that issue occupational or professional licenses, certificates or permits; creating a board for labor relations between those employees and their employers; establishing procedures for collective bargaining; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Price, Ohrenschall, Chowning, Von Tobel, Anderson, Cegavske, Claborn, Collins, de Braga, Freeman, Goldwater, Humke and Lee:

Assembly Bill No. 479—AN ACT relating to meetings of public bodies; clarifying the meaning of the term “public office” with respect to the prohibition against holding a closed meeting to discuss the appointment of a person to public office or as a member of a public body; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Price, Berman, Gibbons, Manendo, Chowning, Anderson, Angle, Arberry, Beers, Brown, Carpenter, Cegavske, Claborn, Collins, de Braga, Dini, Freeman, Gustavson, Hettrick, Humke, Lee, Leslie, McClain, Mortenson, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Tiffany and Williams:

Assembly Bill No. 480—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for funeral supplies; creating the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Chowning, Gibbons, Brown, Ohrenschall, Anderson, Arberry, Carpenter, Claborn, de Braga, Dini, Freeman, Giunchigliani, Hettrick, Manendo, McClain, Mortenson, Nolan, Parks, Parnell, Perkins, Price and Tiffany; Senator Wiener:

Assembly Bill No. 481—AN ACT relating to motor vehicles; prohibiting in certain circumstances a person from operating a sound amplification system in a motor vehicle in a certain manner; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Chowning, Cegavske, de Braga, Freeman, Ohrenschall, Anderson, Beers, Carpenter, Claborn, Gibbons, Giunchigliani, Gustavson, Hettrick, Humke, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Parks, Price, Tiffany, Von Tobel and Williams:

Assembly Bill No. 482—AN ACT relating to fireworks; requiring the state fire marshal to adopt regulations governing the types of fireworks that a local government may regulate; requiring regulations and ordinances adopted by certain local governments to be at least as restrictive as the regulations adopted by the state fire marshal; imposing civil liability under certain circumstances for the storage or use of fireworks; making the provisions of this act contingent upon the approval of the voters at the next general election; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Concurrent Committees on Government Affairs and Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Beers, Tiffany, Berman, Brown, Carpenter, Collins, Hettrick, Humke, Lee, Marvel and Price:

Assembly Bill No. 483—AN ACT relating to elections; establishing the general form used for reporting campaign contributions and expenditures; revising the dates for filing those reports; revising the reporting periods included in those reports; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Chowning, Gibbons, Price, Ohrenschall, Anderson, Beers, Berman, Brown, Cegavske, Claborn, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Leslie, Manendo, McClain, Mortenson, Nolan, Parks, Perkins, Smith and Tiffany:

Assembly Bill No. 484—AN ACT relating to common-interest communities; revising the information that must be furnished by a unit's owner to a prospective purchaser before the sale of the unit; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Chowning, Ohrenschall, Anderson, Brown, Carpenter, Cegavske, Claborn, de Braga, Gibbons, Goldwater, Humke, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Parks, Perkins, Price, Smith and Tiffany:

Assembly Bill No. 485—AN ACT relating to property; establishing the office of private property ombudsman within the department of business and

industry; defining the powers and duties of the office; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Chowning, Anderson, Beers, Brown, Carpenter, Cegavske, Claborn, de Braga, Freeman, Gibbons, Hettrick, Humke, Leslie, Manendo, Marvel, McClain, Mortenson, Ohrenschall, Parks, Price, Tiffany and Von Tobel:

Assembly Bill No. 486—AN ACT relating to local government; prohibiting the sale of a product in a county, city or town if use of the product is prohibited in the county, city or town; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Chowning, de Braga, Ohrenschall, Anderson, Beers, Berman, Brown, Carpenter, Cegavske, Claborn, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Parks, Parnell, Perkins, Price, Smith and Tiffany:

Assembly Bill No. 487—AN ACT relating to candidates for office; allowing an elector to challenge the legal qualifications of certain candidates for office; providing that a candidate who files certain false documents is removed from the ballot, disqualified from his office and ineligible for office for 5 years; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 488—AN ACT relating to emergency medical services; authorizing a fire-fighting agency to transport sick or injured persons to a medical facility; extending the grant of limited civil immunity of certain persons who are employed or serve as volunteers for a public fire-fighting agency to include certain conduct while transporting sick or injured persons to a medical facility; authorizing a board of county commissioners to establish fees for the transportation by a fire department of sick or injured persons to a medical facility; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Gustavson, Angle, Beers, Anderson, Berman, Brower, Brown, Buckley, Carpenter, Claborn, Gibbons, Humke, Lee, Ocegüera, Price and Von Tobel:

Assembly Bill No. 489—AN ACT relating to criminal procedure; requiring genetic marker analysis to be obtained from all offenders convicted of a felony; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Giunchigliani, Ocegüera, Manendo, Williams, Ohrenschall, Arberry, Bache, Buckley, Cegavske, Chowning, Claborn, Collins, Goldwater, Koivisto, Lee, McClain, Mortenson, Parks, Perkins and Price:

Assembly Bill No. 490—AN ACT relating to counties; requiring certain counties to establish an advisory committee on the abatement of noise attributable to the flight of helicopters and other aircraft; requiring such counties, to the extent permitted by federal law, to enact and enforce certain ordinances concerning helicopters; requiring the imposition of penalties for violations of such ordinances; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Humke, Beers, Brower, Buckley, Hettrick, Leslie and Parks:

Assembly Bill No. 491—AN ACT relating to professions; authorizing an ophthalmologist and an optometrist to cooperate in the formation of a professional corporation or professional association; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Humke, Arberry, Beers, Buckley, Hettrick, Leslie and Parks:

Assembly Bill No. 492—AN ACT relating to occupations; requiring a person to obtain a license from the private investigator's licensing board before engaging in business as a thermal technician; authorizing the board to issue such a license without an examination under certain circumstances; expanding the membership of the board to include a thermal technician; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Humke, Gibbons, Brown, Mortenson and Neighbors:

Assembly Bill No. 493—AN ACT relating to state risk management; requiring that a contract for services for certain insurance be awarded through a qualification-based bidding process; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Humke, Lee, Neighbors, Von Tobel, Cegavske, Angle, Arberry, Beers, Brown, Carpenter, Chowning, Claborn, Collins, Gibbons, Giunchigliani, Gustavson, Hettrick, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Ohrenschall, Price and Tiffany; Senators James, McGinness and Shaffer:

Assembly Bill No. 494—AN ACT relating to wildlife; eliminating the division of wildlife of the state department of conservation and natural resources; creating the department of wildlife; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 495—AN ACT relating to contractors; requiring the suspension of a contractor's license by the state contractors' board if the licensee has failed to comply with a certain number of administrative citations; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 496—AN ACT relating to domestic relations; providing for the recognition of reciprocal beneficiary relationships; setting forth the benefits and rights to which persons in a valid reciprocal beneficiary relationship are entitled; declaring certain actions by employers to be an unlawful employment practice; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gibbons, Leslie, Giunchigliani, Buckley, McClain, Anderson, Brown, Cegavske, de Braga, Freeman, Hettrick, Humke, Smith and Tiffany; Senators Rawson and O'Donnell:

Assembly Bill No. 497—AN ACT relating to anatomical gifts; providing in skeleton form for the establishment of a registry for anatomical gifts by the department of motor vehicles and public safety; creating the anatomical gift account in the department of human resources' gift fund; creating the advisory committee on anatomical gifts; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 498—AN ACT relating to real property; requiring certain inspections to be made by professional engineers before building permits and certificates of occupancy may be issued for certain residential dwellings; revising the provisions governing the periods of limitation and repose for certain actions involving constructional deficiencies; revising the provisions governing damages in certain actions involving constructional defects; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Williams, Arberry, Chowning and Manendo:

Assembly Bill No. 499—AN ACT relating to public schools; revising provisions governing the use of certain proceeds of bonds for a pilot program of a certain school district for the replacement of schools; requiring a certain school district to continue its pilot program for the replacement of schools; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Williams, Giunchigliani, Leslie, Goldwater, Parks, Anderson, Bache, Buckley, Chowning, Manendo and Ohrenschall:

Assembly Bill No. 500—AN ACT relating to law enforcement; directing the Attorney General to conduct a statistical study regarding traffic stops by law enforcement officers in certain counties; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 32, 153; Assembly Concurrent Resolution No. 12; Senate Joint Resolution No. 9; Senate Concurrent Resolution No. 21.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Chip Maxfield.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Halford, Frank Flaherty, Jim Graham, Gary Schulz, Mary Lewis, Bob Burns, Carole Kerkla, Carol Gibson, David Burgess, Bobby Burns, Jeremy Comba, Heather Costello, Lauren Ely, Patrick Flaherty, Catherine Florence, Brianna Gormly, Jim Graham, Julia Halford, Erik Henriksen, Katie Higgins, Samantha Hoch, Chelsea Keating, Sarah Kerkla, Maciej Kuroczka, Beth Lewis, Rachel Lindgren, Michael McSweeney, Vanessa Pickles, Donovan Prestella, Belinda Saavedra, Bianca Saavedra, Lauren Schulz, Dennis Seiler, Tyler Smith, Lindsey Stoeberl, Tori Stovall, Ben Wood, Evan Zamora and Carol Gibson.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Katie West.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Cunningham, Erica Ingle, Kristy Ingle, Meghan McKinnon, Kyle Diaz, Misti Leader, Whitney Herrera, Kate Seeliger, Mandy Chaffin, Tab Ellifritz, Lisa Wiley, Molly Haaglund, Caroline Nicholson, Havelah Gibson, Tammy Criddle, Allison Beck, Morgan Berentsen, Tara Beck, Dani Scala, Dylan Angus, Amanda Vesco, Rachel Detweiler, Alexa Williams, Elisa Leader, Molly Bieg, Jessica Lovato, Nicole Nakamura, Jordan Bernabe, Guy Tipton, Jeremy Pfarr, Vanalorin Kitras, Josh Gratwohl, Brad York, Virginia Schofield, Stephanie Montgomery, Heather Peraldo, Jenny Viegel, Meg Ackerman, Katie Gast, Kevin Vance, Mitch Weber, Sierra Tiske, Annie Burbans, Jenny Johnson, Desi Chavez, Carrie Ralls and Gini Cunningham.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March 21, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:40 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 21, 2001

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Monte Fast.

May the rocks in your field turn to gold. May you never make an enemy when you could make a friend—unless, of course, you meet a fox among your chickens.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 13 of the 70th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 7, 16, 29, 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 19, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 22; Senate Bills Nos. 161, 190, 260.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 501—AN ACT relating to education; authorizing the board of trustees of certain school districts to submit an advisory question to the voters in the district to determine whether the board of county commissioners should impose certain taxes for the support of school districts; authorizing the board of county commissioners in certain counties to levy certain taxes for the support of school districts; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 502—AN ACT making an appropriation to the Department of Business and Industry for the development of an automated licensing system for real estate agents; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 503—AN ACT making an appropriation to the Department of Business and Industry for the replacement of certain

computers in the Office of the Labor Commissioner; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 504—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for the State of Nevada's share for carrying out the Truckee River Operating Agreement; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 505—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for replacement equipment for the Division of State Parks; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 506—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for maintenance projects at state parks; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 507—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for a radio connection between the Nevada State Park System and the Department of Motor Vehicles and Public Safety; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 508—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for new and replacement equipment for the Division of Water Resources; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 509—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for a radio connection between the Division of Forestry and the Department of Motor Vehicles and Public Safety; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 510—AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for equipment for the suppression of forest fires; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 511—AN ACT making an appropriation to the Tahoe Regional Planning Agency for threshold research; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 512—AN ACT making an appropriation to the Department of Human Resources for costs associated with the transfer of certain child welfare services to Clark County and Washoe County; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 513—AN ACT making an appropriation to the Department of Human Resources for the development of a long-term strategic plan concerning the health care needs of the citizens of Nevada; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 514—AN ACT making an appropriation to the Department of Human Resources for an electronic application process for the Nevada Check Up program and Medicaid assistance; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 515—AN ACT making an appropriation to the Department of Human Resources for assistance in the operation of HIV/AIDS clinics in Reno and Las Vegas; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 516—AN ACT making an appropriation to the Department of Human Resources for the Medicaid Management Information System; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 517—AN ACT making an appropriation to the Department of Human Resources for a vehicle, furnishings and equipment for the Division of Child and Family Services; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 518—AN ACT making an appropriation to the University and Community College System of Nevada for the start-up costs for a new state college; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 519—AN ACT making an appropriation to the Department of Taxation for implementation of Phase II of the Business Process Re-Engineering Project; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 520—AN ACT making an appropriation to the Governor's Advisory Council on Education Relating to the Holocaust for the continuation of its educational programs; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 521—AN ACT making an appropriation to the Nevada Commission for National and Community Service; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 522—AN ACT making an appropriation to the Buildings and Grounds Division of the Department of Administration for the moving expenses of various agencies to and from the Grant Sawyer State Office Building; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 523—AN ACT making an appropriation to the Motor Pool Division of the Department of Administration for the purchase of additional vehicles; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 524—AN ACT making an appropriation to the Department of Information Technology for phase II of the digital microwave upgrade; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 525—AN ACT making an appropriation to the Supreme Court of Nevada for security system upgrades, a system-wide website and communications infrastructure, and new and replacement equipment; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 526—AN ACT making an appropriation to the Department of Taxation for the purchase of new and replacement equipment; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 527—AN ACT making an appropriation to the Legislative Counsel Bureau for new and replacement equipment and various maintenance projects; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 528—AN ACT making an appropriation to the Aging Services Division of the Department of Human Resources for a wide area network for the offices in Reno and Las Vegas; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 529—AN ACT making an appropriation to the Department of Human Resources for software and computer equipment for the Nevada rural health communications system; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 530—AN ACT making an appropriation to the Department of Human Resources for the Welfare Division's telephone system; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 531—AN ACT making an appropriation to the Department of Human Resources for a vehicle, furnishings and equipment for the Nevada Youth Training Center within the Division of Child and Family Services; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 532—AN ACT making an appropriation to the Department of Human Resources for office equipment and remodeling at the Northern Nevada Child and Adolescent Services; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 533—AN ACT making an appropriation to the Department of Business and Industry for the replacement of computers in the Consumer Affairs Division; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

By the Committee on Transportation:

Assembly Bill No. 534—AN ACT relating to regional transportation commissions; increasing the membership of the regional transportation commission in certain less populous counties; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 535—AN ACT relating to civil practice; reducing the court filing fees for a petition to adopt a child with special needs; requiring a court to waive court costs when a petition is filed for the adoption of a child with special needs; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 536—AN ACT relating to the secretary of state; authorizing the secretary of state to appoint an executive assistant and a chief deputy and authorizing such persons to perform certain duties; limiting the number of deputies the secretary of state may appoint; changing the scope of duties the deputies may perform; removing the requirement that the administrator of the securities division of the office of the secretary of state be a deputy of the secretary of state; providing that the administrator of the securities division is in the classified service of the state; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 537—AN ACT relating to local governments; authorizing a town board or a board of county commissioners to provide or grant a franchise to provide certain services within an unincorporated town; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 538—AN ACT relating to metropolitan police departments; authorizing a sheriff to adopt certain policies, procedures, rules and regulations for the administration of a metropolitan police department; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 161.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 190.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 260.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 539—AN ACT relating to professions; authorizing the state board of architecture, interior design and residential design to accept satisfactory evidence of registration as an interior designer in another jurisdiction under certain circumstances; repealing certain provisions governing a member of the board who is a residential designer or registered interior designer; providing that a certificate of registration issued to an architect, registered interior designer or residential designer must be renewed annually; revising the qualifications to apply for registration as an architect or registered interior designer; revising the circumstances under which a residential designer may engage in practice as a registered interior designer; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 540—AN ACT relating to recreational park trailers; providing for their identification, registration, regulation, taxation and other treatment as recreational vehicles; providing for the issuance of permits for the movement of oversized recreational park trailers; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Claborn, Collins, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany and Williams;

Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 13—Designating March 21, 2001, as E Clampus Vitus Day at the Nevada Legislature.

WHEREAS, It has come to the attention of the Nevada Legislature that the Ancient and Honorable Order of E Clampus Vitus has maintained its honorable status throughout the known world and especially in this great State of Nevada; and

WHEREAS, The Ancient and Honorable and Exceedingly Humble Order of E Clampus Vitus has survived the test of time to become one of the longest surviving brotherhoods of men that continues to fulfill a fundamental need in providing protection and kindness while advancing the noble cause of Clamperdom to residents of the Silver State, especially all the “widders” and orphans, and descendants of the argonauts; and

WHEREAS, The Honorable Order of E Clampus Vitus was founded in West Virginia in 1845 by Ephram Bee, owner of a tavern on the National Road, and shortly thereafter the warmhearted brothers affectionately became known as the “Clampin Vipers”; and

WHEREAS, In 1860, William Stewart founded the first Ancient and Honorable Order of E Clampus Vitus, Winnemucca Lodge #1, in the Utah Territory, in the unsuspecting peaceful town known as Carson City; and

WHEREAS, The creed of the Clamproctors, yesterday, as well as today, is “to protect the ‘widders’ and orphans, and MAINLY the ‘widders’”; and

WHEREAS, The State of Nevada is proud to continue the tradition of 156 years of devoted service with the Nevada chapters which now include the Snowshoe Thomson Chapter of Douglas County, the Julia C. Bulette Chapter of the Comstock, the Lucinda Jane Saunders Chapter of Elko County and the Keheo Chapter of Clark County; and

WHEREAS, While the tradition and revelry will continue, the members of this body were deeply saddened to learn of the recent passing of Clamp Patriarch, John W. Riggs, Sr., whose longstanding participation in the activities of this Ancient and Honorable Order will be sorely missed; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature, of whom many are proud members of E Clampus Vitus, do hereby declare March 21, 2001, as E Clampus Vitus Day at the Nevada Legislature, a day to be marked by appropriate revelry and thanksgiving; and be it further

RESOLVED, That the Ancient and Honorable Order of E Clampus Vitus is praised and commended for its contributions to mankind and others, and recognized as an illustrious group of Clampers, Clampatious, Vituscans and Frolicking Friars who must continue to serve and protect the residents of the Silver State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Clamp Patriarchs, Peter Van Alstyne and Jerry Robich.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Anderson, Collins and Freeman.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by de Braga, Cegavske and Price.

Assemblyman Parks requested that the following remarks be entered into the Journal.

ASSEMBLYMAN DINI:

Mr. Speaker, this is a nice day we've always celebrated. This is the fourteenth anniversary of our Legislative Day for the Noble Order of the Clampers. It is a grand organization that really specializes in protecting "widders and orphans" and descendants thereof. I think we do a good job. Some of you ladies are not widows yet, but you might be, so you might be wanting us around. This is a great organization. It's a lot of fun. We always have this meeting during the legislative sessions so that everyone here can understand the enjoyable time we have together, the celebration of our noble organization's causes. We've had some great people represent the organization over a good number of years.

I'm not the only Clamper here, you know. You don't have to look at me like that. There are other members of this organization that have gone through this, including the Speaker himself. We hope that tonight, several of the younger gentleman here that have just joined our group will be going in. I'm not sure that the distinguished member from Boulder City and Henderson has signed up yet, but I understand that Mr. Nolan was going to pay for his application and bring him along. I know the other distinguished gentleman from Las Vegas in front of me has given me his check, so he's locked in.

We always have a good time. We do great things. I'll never forget when they came to Yerington and put the plaque on my building at the club. Then they did a plaque and donated money to the Jeanne Dini Cultural Center in Yerington and the Mason Valley News building. We can go on and on. In every little community in the state they have participated in these activities. It's been a good thing for us and it has been a good thing for the communities. I respectfully submit to you that the Clampers are a good organization. We want you to know it's not all just fun and games. They do many great things, especially in preserving the history of our state. I want to welcome all their members to the Chambers and to this great day. I know tomorrow morning we will all feel much better because we participated.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I picked this shirt specifically with this day in mind and brought it with me to Carson City, recognizing that indeed this particular group would be in front of us; recognizing that it crosses party lines when we're always willing to help one another. We can always pull our load and reach down and go just a little bit further because that's what the Clampers do. Some of the historical markers they have placed have led others to recognize the importance of the historical accomplishments. The Beckworth Trail, in particular; their monument was the first on the Beckworth Trail. Their monument was the first on the summit of the Carson Pass. I think the Clampers, while "widders and orphans" are clearly to be worried after, and we have to look out for the good of the brotherhood, we recognize the historical importance of the committee clearly overcomes. As the chairman of the Most Important Committee, I feel confident in saying that.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I rise in support of ACR 13, as well. The Clampers were started over a 150 years ago and that was before we even allowed women the right to vote. I think we have come a long way. We still support you, even more. We continue to lend that support. I'm very proud of the accomplishments of the Clampers and I thank you very much.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker. When my colleague from Sparks said that he was wearing his shirt, today, in honor of the group, I remember that Mr. Riggs always wore clothes that were very colorful. I used to tell him that I worried that he was too shy and retiring. At this moment, Mr. Speaker, may ask for a brief recess for the women legislator's to meet in the caucus room and I'm also inviting any women reporters who are in the Chamber or the building to join us.

ASSEMBLYMAN DE BRAGA:

Mr. Speaker, to you and through you to this honorable body. I join many of the members of the Nevada Assembly Women's Caucus who sadly must rise in opposition to ACR 13. Every odd numbered year, a resolution supporting E Clampus Vitus, comes before the Assembly. It asks us to endorse an ancient and mystical order that has at its philosophical core the Goldwater Theorum regarding God-given rights. We have looked for some redeeming social value in the Clampers' resolution that would enable us to support it. But, we were not successful. Instead, we have come to the conclusion, Mr. Speaker, that their reality check bounced.

Proponents would try to make us believe that compassion, education and the preservation of history are the principles this society was founded on and upholds. We submit to you that the facts are these:

E Clampus Vitus was started prior to 1800 and has existed in some form or other ever since allegedly for the purpose of protecting "widders and orphans," but, preferably, widders.

Clampers interest in education seldom goes beyond periodic research on why "lite" beer weighs the same as regular beer.

They are patrons of sports, literature and the arts, favoring anything with one ball, two folds or three stooges.

All members have standing of equal indignity, but, obviously, some members are more equal and/or indignant than others. Those who have achieved mediocrity, and therefore, leadership, are reverently referred to as Clampatriarchal Humbugs.

Within their own organization is a strong support group to help Clampers in times of severe difficulty. This is vital to their safety because, following the regular meetings, very few of them can remember the number for 911.

The history of E Clampus Vitus is shrouded in mystery. Is it a historical drinking society or a drinking historical society? No one knows; the debate continues.

To preserve their surreptitious activities, they developed their own secret language which can be deciphered easily by anyone with an IQ higher than celery. For example, their motto: "*Per Caritate Viduaribus Orphibusque Sed Prime Viduaribus*" translates to "Never let the fact that the widders do not want to be protected deter you," and their creed "*Quia Absurdum*" means "Beer: it isn't just for breakfast, any more."

Although E Clampus Vitus has existed for more than 200 years, almost none of the history of the order has been recorded. Two theories exist to explain this:

Most Clampers prefer to do their protecting anonymously. In the thousands of meetings held by chapters of ECV, seldom, if ever, has anyone remained functional long enough to take intelligible minutes. In fact the only meeting notes ever found are now in the Smithsonian or some other institution. They were written by an Utmost High Extremely Illustrious Exalted Supreme Grand Secretarial Humbug, who may have been more than a little squiffed, himself, at the time. He wrote, "The roll was called and the members were asked to respond present or not present, as best befitted their circumstance. Many of them appeared to have been stricken with some sort of mental confusion. They were diffonable and romultuatory and I weedle volcranitude understand them."

The very name of their club may also have been incorrectly recorded. E Clampus Vitus sounds like a disease—a combination, if you will, of the word for a form of dementia coupled with the word for a form of instability, with which many of its members are, from time to time, afflicted. No one knows how the disease is spread. And, Mr. Speaker, no one wants to know how the disease is spread.

In opposing this resolution we do so not because we wish to be equal to men—that would show a lack of ambition. However, in the interest of fairness, we have tried our best to understand men. Like so many other women before us, we failed in that endeavor.

Since time immemorial there has only ever been one woman who actually figured men out, Mr. Speaker, but she died laughing before she could tell anyone.

We were going to move that all rules be suspended, that reading so far be considered more than enough, that there be no further consideration of this measure and that ACR 13 be immediately concurrently referred to Health and Human Resources, NATRAM, Government Affairs and the Ways and Means Committees in some other state; however, on further reflection, we're certain the bill will pass notwithstanding our objection. So, instead, we are discussing

forming our own counter-organization of E Clampus Superioritus whose members will be known as “Lady Bugs.” And, as soon as we decide what it is we want to protect, we will pursue that.

Thank you.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I can’t top that. I did want to ask for some clarification as to what the age requirement is. I’ve looked through the resolution and haven’t found any language that would stipulate what the age is. The reason I’m asking Mr. Speaker, is as a mother of two sons, I happen to have one son that is up here and has been lobbied heavily to participate. Of course, as a mother who knows the law, you have to be at least 21 to partake in these type of shenanigans. Just for the Speaker to ask, if he would be more than happy to answer that question—what the age limit is, to see if any of our colleagues are old enough to attend.

Also, we wanted to make sure that you knew that our colleague from District 1 is to blame for the Women’s Caucus today and we are deciding consequences. Thank you, Mr. Speaker.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I would move that the remarks from our colleague from District 35 be entered into the Ladies Home Journal.

Resolution adopted.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 13 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 541—AN ACT relating to real estate; requiring certain instructors of courses required for the issuance and renewal of a license as a real estate broker, real estate broker-salesman or real estate salesman to be certified by the real estate division of the department of business and industry; prescribing the requirements for certification of those instructors; requiring the real estate commission to adopt regulations governing certification of those instructors; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 69.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

“Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *A person shall not knowingly possess any component of an”.*

Amend section 1, page 1, by deleting lines 11 through 15 and inserting:

“3. This section does not prohibit a person from possessing, manufacturing or using any material, component, substance or device as required for the performance of his duties related to mining, agriculture, construction or any other valid occupational purpose or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his duties.”.

Amend the bill as a whole by renumbering sections 2 through 9 as sections 4 through 11 and adding a new section designated sec. 3, following section 1, to read as follows:

“Sec. 3. 1. Except as otherwise provided in subsection 3, a person shall not possess any explosive or incendiary device or any explosive or incendiary material, substance or component that may be readily converted to an explosive or incendiary device:

(a) In or upon any public street or highway in this state;

(b) In or near any private habitation, public place or any place open to the public; or

(c) In, on or near any public conveyance.

2. A person who violates subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. This section does not prohibit a person from possessing, manufacturing or using any material, component, substance or device as required for the performance of his duties related to mining, agriculture, construction or any other valid occupational purpose or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his duties.”.

Amend sec. 2, page 1, line 18, by deleting “section 1” and inserting: “sections 2 and 3”.

Amend sec. 3, page 2, by deleting lines 14 through 16 and inserting: “explosive or incendiary device with the intent to destroy life or property is guilty of a category B felony and shall be punished”.

Amend sec. 3, page 2, by deleting lines 20 through 33 and inserting:

“2. This section does not prohibit a person from possessing, manufacturing or using any material, component, substance or device as required for the performance of his duties related to mining, agriculture, construction or any other valid occupational purpose or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his duties.

3. For the purposes of this section ~~1~~.”.

Amend the title of the bill by deleting the third, fourth and fifth lines and inserting:

“prohibiting possession of any explosive or incendiary device or material, substance or component that may be converted to such a device in certain places; providing penalties; and providing other matters properly”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Beers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 105 be placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman de Braga moved that Assembly Bill No. 177 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 101 be taken from the Chief Clerk's Desk and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 70.

Amend section 1, page 1, line 6, after "proceeding" by inserting: "*including, without limitation, any discovery or other pretrial or posttrial matter involved in the action or proceeding,*".

Amend section 1, page 1, line 12, after "proceeding" by inserting: "*including, without limitation, any discovery or other pretrial or posttrial matter involved in the action or proceeding,*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Assembly Bill No. 176:

YEAS—42.

NAYS—None.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 301:

YEAS—41.

NAYS—Carpenter.

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

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblymen Brown and Brower.

Roll call on Assembly Joint Resolution No. 4:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 22.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 22.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Anderson, Carpenter, Buckley, Giunchigliani and Collins.

Assemblyman Parks moved that the following remarks be entered into the Journal.

ASSEMBLYMAN DINI:

Mr. Speaker, I became acquainted with John Riggs a few years back, working on various projects. It was mostly through his affiliation with the Rifle and Pistol Association and his membership in the National Rifle Association. We worked on several bills over the course of our years here in the Assembly. He was in my office a week before he passed away and we had one of our frank discussions. One thing about John and I, we could talk about things, call each other

a few names, express ourselves accordingly and then walk out as friends. We talked about the recent election and the dispute between the State Pistol Association and the National Rifle Association on their recent endorsements. I said, "John, before the next election would you mind coming up for a one on one in Political Science so I can give you a little lesson and you can avoid the embarrassment of endorsing the wrong candidates." I dealt with him on a lot of different legislation and in various organizations and found he was always an honest man. I was proud to be with him in the Masonic Order and Kerak Temple and the Knights Templar. He had a wonderful Knights Templar outfit, a full dress with all the old hats and heavy uniforms he wore. He was at the cornerstone laying of the addition to this building in full regalia. He was a very dedicated Nevadan, a good honest man, and someone we are going to miss around here because he was a good man for the State of Nevada.

ASSEMBLYMAN ANDERSON:

I also rise in support of the resolution. Mr. Riggs and I, obviously because of his railroad background, found common topics to discuss. In terms of one of my hobbies of collecting railroad memorabilia, we often found ourselves at auctions bidding on the same items. The thing about John, to which I think the Speaker Emeritus has already alluded, was his passionate belief in his causes. You have to admire anybody who believes so passionately in what they do that they will take on whoever it is to further their cause, yet later be able to pass you in the hallway and not have a grudge he would carry forever. I think that quality speaks to what a real Nevadan is all about and what this Legislature is all about. While he and I could disagree about more things than we agreed on, I always enjoyed the discussions with him and always found him to be an honest, straightforward person. I mourn his passing and support the resolution.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I too rise in support of SCR 22. John Riggs was always here, and he and I used to have great discussions. We were usually on the same side on issues. He really was a great defender of our Second Amendment rights, and we are going to miss him.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I too rise in support of SCR 22. Mr. Riggs was quite an individual. He brought life to our process by his colorful presence and his keen understanding of issues that were very important to him and this state. We missed him on the previous resolution, and the state will miss him as well.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I too rise in support of SCR 22. As my colleague from Sparks noted, Mr. Riggs and I agreed to disagree on many issues, but he was always a delightful character, both through dress and his ability to never hold a grudge. He had always offered to teach me how to use a gun and how to shoot. I told him my husband still had not given me the key to the gun cabinet so it wouldn't do any good. I suspect that is still in the law the Speaker and former majority leader put into a bill. He always did this teasing, knowing that I took the opposing position. It never colored or affected our relationship and I support this legislation.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I too rise in support of SCR 22. I knew John Riggs and during the time spent with him in my office or in the halls, we worked for many of the same issues. It was fun to hear him discuss railroads and old fire trucks and some of the other things he enjoyed. It is sad that he is not here, the example he left in the halls for legislators, lobbyists, and others left this a nicer place. It would be a better place for all if more of the folks in the halls followed his example. The honesty and commitment that he carried and demonstrated in this building make me grateful we are recognizing him.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Bishop, Hannah Bishop, Joann Bishop, Evie Bishop, Paul Bishop, Daniel Bishop, Cameron Marin, Marci Marin, Nathan Demuth, Jason Smith, Jessie Smith, Ashely McLaughlin, Jolene McLaughlin, Matthew Lawrence, Zachary Steele, Jordon Steele, Elizabeth Ziese, Zachariah Ziese, Adam Guddat, Alicia Guddat, William Feltner, Faith Lorenz, Bethany Davie, Talla Youngstrom, Elizabeth Anderson, DeAnn Rife, David Rife, Joanne Heslop, Christopher Heslop, Joseph Schwedhelm, Tarasa Schwedhelm, Mickey Smith, Sarah Smith, Dani Smith, Shannon Bow, Deena Bow, Barry Bow, Vance Bow, Sandy Steele, Nancy Ziese, Simeon Ziese, Anna Ziese, Frances Guddat, Rose Feltner, David Feltner, James Lorenz, Sandy Lorenz, Samuel Lorenz, Carol Sherman, Alexandra Williams, Janelle Davie, Leah Davie, Lori Youngstrom, Erica Youngstrom, Karen Anderson, Danica Anderson, Debbie Rife, Kathy Heslop, Kate Schwedhelm, Steven Hawley, Allandra Thibault, Austin Thibault, Christine Barnes, Charlene Barnes, Morgan Peterson, Megan Lee, Paige Lee, Cassie Pearson, Cecelia Pearson, Jessica Combos, Luke Combos, Melody Simon, Heather Simon, Joel Simon, Ryan Simon, Taylor Ford, Aubrey Ford, Gina Hawley, Traci Thibault, Ariana Thibault, Amelia Thibault, Nita Barnes, Rhonda Holland, Nathan Holland, Luke Holland, Jonjo Holland, Mary Peterson, Drew Peterson, Karen Lee, Sue Barnes, Jonathan Barnes, Rachel Barnes, Marita Sanders, Bryce Sanders, Tricia Pearson, Jacob Pearson, Julie Combos, Linda Simon, Julianne King, Colton King, Maureen Ford, Tegan Ford and Carson Ford.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Robich, Danny Coyle and Michael A. Hines.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Bow and Tyler Pearson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Fisher, Kathaleen McGlone, Robert Barlow, Cody Barr, Mason Bondi, Bud Bushgens, Elizabeth Collins, Dominic Cooper, Kayli Crump, Ryan Cruse, Shannon Earwood, Danae Eckart, Mireya Gallegos, Kelly Hazard, Ariel Heinz, Krista Helterbrand, Lainey Henderson, Alex Herzing, Nicole Keller, Megan May, Zachary Nalapo, Anthony Pisani, Racheal Reynolds Strange, Austin Sears, Tyler Simms, Beau Stevens, Alex Wasserman, Joseph Weaver and Sarah White.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Welsh.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 22, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:33 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 22, 2001

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Anderson , who was excused.

Prayer by the Chaplain, Pastor Monte Fast.

The four ideas are devotion, mystic or universal law, cause and effect, and natural rhythm.
Nam. Myoho. Renge. Kyo.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 107; Senate Bill No. 47.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 13.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen McClain, Price, Buckley, Giunchigliani, Parnell, Anderson, Arberry, Bache, Berman, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Goldwater, Koivisto, Lee, Leslie, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ocegueda, Parks, Perkins, Smith, Tiffany, Von Tobel and Williams:

Assembly Joint Resolution No. 11—Proposing to amend the Constitution of the State of Nevada to allow the legislature to authorize this State to operate a lottery for the support of public education.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 24 of article 4 of the Constitution of the State of Nevada be amended to read as follows:

~~{Sec.}~~ Sec. 24. 1. Except as otherwise provided in ~~{subsection 2,}~~ subsections 2 and 3, no lottery may be authorized by this State, nor may lottery tickets be sold.

~~{2. The State and the political subdivisions thereof shall not}~~ *No political subdivision of this State may operate a lottery.*

2. The legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this state. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The legislature may provide by law for the regulation of such lotteries.

3. *The legislature may authorize a lottery to be operated by this State. If the legislature authorizes such a lottery, the legislature shall, by law:*

(a) Provide that tickets for such a lottery may only be sold in an establishment that holds a nonrestricted gaming license.

(b) Provide for the creation of a fund in the state treasury for the deposit of all proceeds from the lottery.

(c) Provide for the disbursement of all money in the fund, less expenses directly related to the operation of the lottery, to the school districts in this State in a fair and equitable manner.

(d) Ensure that the money in the fund is used only to supplement and not to replace the money that a school district would otherwise receive from this State.

(e) Ensure that a school district which receives money from the fund uses the money only to supplement and not to replace the money that the school district would otherwise expend for:

(1) Increases in the salaries and other compensation of licensed teachers and other educational personnel employed by the school district;

(2) Textbooks, library books, and instructional supplies and materials;

(3) Educational technology; and

(4) Renovation and repair of school buildings and facilities.

Assemblywoman McClain moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By Assemblymen Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Smith, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 14—Commending all Nevada firefighters who fought the wildland fires in Nevada and other western states during the 2000 fire season.

WHEREAS, With weather conditions throughout the 2000 fire season both hotter and drier than normal, causing fuels such as grasses, leaves and pine needles to be extremely flammable, Nevada and other western states suffered great losses because of wildland fires; and

WHEREAS, The normal weather pattern was affected by La Nina, leaving in her wake the potential for a devastating fire season, with high winds and lightning adding fuel to the already hazardous fire conditions; and

WHEREAS, In the 2000 fire season, Nevada had over 1,000 fires that burned 635,715 acres of land, with over 7 million acres burned nationwide, almost double the 10-year average, causing some to declare that fire season one of the most severe in the nation's history; and

WHEREAS, The ruthless wildland fires had a critical impact on the residents of our state, with the lives of many people endangered and their homes destroyed, the destruction of forests and vegetation, and the devastation of wildlife and their habitats; and

WHEREAS, With many of the western states burning at the same time, these ferocious fires were contained through the heroic efforts of our firefighters, struggling to control existing fires while new ones were reported every day; and

WHEREAS, With temperatures sometimes nearing 100 degrees and erratic winds increasing the danger of fighting the fires, the courageous firefighters worked to stop the spread of the fires; and

WHEREAS, Under the most difficult conditions, with manpower, aircraft, supplies, equipment and other resources spread very thin, our firefighters managed to quell the fires after a long, exhausting fight; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That it is important to recognize the firefighters from the Nevada Division of Forestry of the State Department of Conservation and Natural Resources, State Fire Marshal Division of the Department of Motor Vehicles and Public Safety, Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, National Park Service and Forest Service, as well as the professional firefighters from various other local, state and federal agencies and the countless volunteers, who joined together to fight these fires; and be it further

RESOLVED, That the residents of the State of Nevada will be forever grateful to all the brave men and women who put their lives on the line in the most difficult of circumstances, working in unison with firefighters from other states and nations to contain the fires in all the western states; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the chief officers of the Nevada Division of Forestry of the State Department of Conservation and Natural Resources, State Fire Marshal Division of the Department of Motor Vehicles and Public Safety, Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, National Park Service and Forest Service.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Gibbons, Ocegüera, Marvel, Carpenter, Chowning, Angle and Dini.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It is an honor to be able to recognize all of the efforts, work, and danger that face our firefighters throughout this nation and in the West, particularly after last year. As you know, they fought fires across many millions of acres, not only in Nevada, but in other states as well. Some of the fires were very close to home here. I had to drive towards Elko and we drove by some of the many thousands of acres that were burned in that area. It's just wonderful that they were able to protect so much of our lives and property. I think that our recognition of these fine Nevadans and people, the fine firefighters from all over the United States is long overdue. I would encourage everyone to please support this resolution.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of the resolution. Many of the constituents I'm pleased to represent, many close friends, and myself, saw the heroic efforts that the firemen made last year during the August fire. In fact, they rescued my three dogs. Unfortunately, they were unable to rescue the big dump truck that ended up demolishing my garage. I'm very honored to have them protecting us. They literally risk their lives in their efforts.

The homes were surrounded by flames and they were able to save them and the families and pets and animals and horses. They really put forth an excellent effort in saving lives at great risk to themselves. I thank them for their efforts, and I salute them.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker. I, too, rise in support of ACR 14. As many of you know, in my daytime job I'm a firefighter. It compares nothing to the forest firefighters and wildland firefighters. These men and women carry packs of up to 100 pounds up steep mountain terrain. They basically use a shovel to put out these fires. What we do is nothing compared to them. I would just like to add my support.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of ACR 14. So many of these devastating fires were in my district. I certainly appreciate the efforts our firefighters and all the teams and the cooperative effort they put forth in trying to extinguish those fires. I think we've learned some lessons from these fires. I think we're going to be looking at having our state agencies work with the federal agencies, and have a better plan for range management so we can avoid these devastating fires in the future. Again, thank you gentlemen and ladies who were involved in the firefighting.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, want to support ACR 14. I especially want to recognize those volunteers who were out on those fire lines. I don't know whether you could really classify ranchers who were trying to save their range and their livestock as volunteers but they were the people out there right along with the other firefighters and agencies. I've done that many times, myself. It is a harrying experience. I do know what dangers they face. I want to echo the sentiments of my colleague from Battle Mountain that we need to get a better handle on how we manage the lands. If we don't, these fires will continue for many generations.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I, too, rise in support of ACR 14. Along with some of my colleagues, I had the privilege this past year to participate in NACO's rural Nevada tour. As we traveled along the roads, it was devastating and heartbreaking to see the thousands and thousands and thousands of acres of land that was scarred in our state. Our state did not receive the national attention from the media that the state to our west did, and we had far more damage. As we traveled along, I was able to see, not only our personnel, but also personnel from many other states that were here trying to help solve our problems. I would like to say thank you on behalf of all Nevadans to the other states for providing their personnel. I would like to thank the families of our firefighter personnel for all of the sacrifices that they give for us every day.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I rise in support of ACR 14 as well. My husband was a BLM firefighter, and for over 10 years he fought many range fires in Nevada. I am glad that Assemblywoman Chowning mentioned the families of these firefighters. From the time fire season begins in the early spring until it is over, we see our family members go off to very dangerous situations. We don't know about them and are not in communication during that time. I know my husband carried a pack and a pulaske, dug up sagebrush, made fire rings, and was in the line during the dropping of retardants. There is a lot of danger in firefighting, and the families of firefighters make a lot of sacrifices. I am glad we are finally recognizing the peril these men put themselves in and the sacrifices of the men and their families.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I rise in support of the resolution. I was involved in volunteer firefighting for about 13 years in my hometown of Yerington. I know what these firefighters go through and I especially commend the volunteers for the work they do throughout this state. I think there are about 5000 members of the Nevada State Firemen's Association in our state who are ready to go wherever a fire happens. We had one of these fires last summer in my district that went from Storey County clear to Fernley, about 20 miles. It burned across the top and

burned the best feed they had for the wild horses. Our firefighters, both paid and volunteer, do a great job. They are excellent supporters for our communities. You shouldn't be a fireman when you get old because walking around with one of those pumps on your back and hitting those spot fires is a tough job. You have to be in shape and you have to be young, aggressive, and alert like my distinguished colleague from southern Nevada. He is the right age to be out there fighting fires, but not us old men. I want to commend the fire service throughout this state, professional and volunteers, for the outstanding job they do. We hope we can support them from a legislative standpoint to see that they are ready, have the equipment and manpower to do the job.

Resolution adopted unanimously.

Assemblyman Price moved that all rules be suspended and that Assembly Concurrent Resolution No. 14 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:32 a.m.

ASSEMBLY IN SESSION

At 11:40 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Concurrent Resolution No. 5.

Assemblyman Bache moved the adoption of the resolution.

Remarks by Assemblyman Bache.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 542—AN ACT relating to state purchasing; requiring the state board of examiners to establish, by regulation, the original cost of certain personal property of the state; creating the surplus property administration account in the state purchasing fund; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 543—AN ACT relating to the administration of public health; creating an advisory committee to oversee subsidies for the provision of prescription drugs and pharmaceutical services; setting forth the duties of that committee; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 544—AN ACT relating to the administration of public health; revising provisions relating to the program of subsidies for the provision of prescription drugs and pharmaceutical services to senior citizens; increasing the maximum amount of the authorized subsidy; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 545—AN ACT relating to public health; directing the development of an additional subsidized state program to provide prescription drugs and pharmaceutical services to senior citizens with low incomes as an option to the existing insurance-based program; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 47.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 48.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. NRS 450.550 is hereby amended to read as follows:

450.550 As used in NRS 450.550 to 450.750, inclusive, unless the context otherwise requires:

1. “Board of trustees” means:

(a) A board of hospital trustees:

(1) Elected pursuant to NRS 450.620 ~~+~~ and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable; or

(2) Appointed pursuant to NRS 450.625 ~~+~~ and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable; or

(b) A board of county commissioners, if that board enacts an ordinance which provides that the board of county commissioners is, ex officio, the board of hospital trustees ~~+~~, and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable.

2. “District hospital” means a hospital constructed, maintained and governed pursuant to NRS 450.550 to 450.750, inclusive.

Sec. 4. NRS 450.640 is hereby amended to read as follows:

450.640 The board of trustees may:

1. *After the board is formed pursuant to the provisions of NRS 450.620 or 450.625, increase the number of members who serve on the board by appointing, as a voting member of the board, one physician who is the chief of staff of physicians for a district hospital. The term of office of a member who is appointed pursuant to this subsection is 2 years, commencing on the date of appointment by the board of trustees. A vacancy in the term of a member appointed pursuant to this subsection must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

2. Appoint a chief executive officer and necessary assistants for each hospital, and fix the compensations of such persons.

~~{2-}~~ 3. Employ physicians, surgeons and interns, as the board determines necessary, and fix their compensation.

~~{3-}~~ 4. Remove such appointees and employees.

~~{4-}~~ 5. *Remove persons who are appointed or employed pursuant to this section.*

6. Control the admission of physicians, surgeons and interns to the staff by promulgating rules, regulations and standards governing such appointments.”.

Amend the title of the bill to read as follows:

“AN ACT relating to hospitals; authorizing the appointment of a physician to serve on the board of trustees of a public hospital or a county hospital district under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing membership of boards of trustees of public hospitals and county hospital districts. (BDR 40-436)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 29.

Bill read second time and ordered to third reading.

Assembly Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 65.

Amend section 1, page 1, line 3, after “*division*” by inserting:
“, *in consultation with the state board of health*,”.

Amend section 1, page 2, line 16, by deleting “*and*”.

Amend section 1, page 2, line 21, by deleting the period and inserting:
“; and

(h) Consist of any other component deemed suitable and appropriate by the health division.”.

Amend the bill as a whole by deleting sections 4 and 5 and renumbering sections 6 and 7 as sections 4 and 5.

Amend sec. 6, page 3, by deleting lines 8 through 10 and inserting:
“shall, not later than February 1, 2003, publish the state cancer plan required pursuant to section 1 of this act and submit it to the director of the legislative counsel bureau for transmittal to the 72nd session of the Nevada legislature.”.

Amend sec. 8, page 3, by deleting lines 19 to 22 and inserting:

“Sec. 6. This act becomes effective on July 1, 2001.”.

Amend the title of the bill, third line, by deleting “making appropriations;”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 219.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 23.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 23.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman, Goldwater, Cegavske, Chowning, Marvel, Gibbons, Buckley, Humke, Dini, Price, Carpenter and Mr. Speaker.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker. It's with great pleasure that I introduce to the Assembly today, Dr. Joseph Crowley and his wife Joy. I first met Dr. Crowley in the late 1970s, although I see here he moved to Reno about the same time I did. Their children went to school with my children. They have lived in my district for many years. One of the things that I think really struck me about Joe and Joy Crowley, from the very beginning, was they did not move into the big mansion over in southwest Reno, as all the other presidents had done; they chose to stay in their house next to the university. They always have been very much a part of the community.

Their children are very much a part of our community, as well. Their son Tim is a lobbyist for the Mining Association. They have daughters who are teachers. They have always been part of our community and they have always been very helpful to those who live in our area. They work with the university, whether it was with the softball program for the women at the university, or when fraternity boys were acting up around the campus. Whatever it was, Joe was

always there for us. I will stand aside so others may compliment Joe as well. We'll miss you, Joe.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. I rise in strong support of SCR 23. Dr. Crowley has become the University of Nevada, Reno, almost. When we look at our institutions, they are just people and they are made up of people. Dr. Crowley has made the University of Nevada, Reno and all its alumni proud—proud to be supportive of the university; proud to be a product of the university; proud to be from the State of Nevada; proud to be a part of any program he has ever been associated with. He's done it in a humble fashion. I think any of us whose family is from Reno, who are supportive of the university, take pride, not only in Dr. Crowley and his family, but in his accomplishments. I look forward to supporting this resolution.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I stand in support of SCR 23. I also want to commend Dr. Crowley for all the things that he has done. I've enjoyed working with and getting to know him since I've been in session and from working in higher education. Also, I want to thank him for his guidance in helping me as a mom, with my son, who is in his second year at UNR. When I went to the parent orientation, he was quick to tell me that I could not start a PTA, I could not be a room mother or a dorm mother. He does allow me on the campus now, however.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I stand in strong support, also, of SCR 23. I am a graduate of the University of Nevada at Reno. When I graduated, however, it was known as the University of Nevada. I was part of a study abroad program. I would like to congratulate and thank Dr. Crowley for making ours one of the largest in the nation. That means our students are ambassadors for our state, in other countries all across the world. So, I would like to thank him for that. I would also like to thank Dr. Crowley for being a wonderful ambassador for our state. He honors us every day—as he has for all these many, many years—with his service and with all his wonderful fundraising efforts to enhance education for our students. I join with everyone else in saying, "Thank you, Ambassador Crowley."

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. It's a pleasure to support SCR 23. I've had an opportunity to work with Dr. Crowley for the last 20 years on the money committee. I will say one thing about Joe: when he testified for the committees, we knew very well that he was telling the gospel truth. Joe, we are sorry to see you step down as president, but it is going to be a pleasure working with you in your new role as a lobbyist for the whole system. I think it shouldn't go unnoticed, the fact that Joe has made the University of Nevada a premier school of education. Thank you very much for your dedicated service.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of SCR 23 honoring Dr. Joe Crowley and the brains and the work behind Dr. Crowley, his wife, Joy Crowley. They came here in 1967. The University of Nevada was a great university and it's even a greater university because of his leadership. I do want to remind this body that it still is the University of Nevada.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of SCR 23. It's rare when you have an individual able to do all that Dr. Crowley has done for the institution and for our state. He's done a tremendous job and has really put the University of Nevada, Reno on the map and it's a tribute, to not only the community in Reno, but to the entire state. Over the last several years, sometimes you hear some sniping in southern Nevada about all that Dr. Crowley has been able to accomplish. I feel that I'm able to say here today that, in part, that sniping was due to jealousy of his skills and of his leadership. Even when those comments were made, everyone who said them wanted Dr. Crowley to be running their own institution—because of his leadership and everything he has been able to do. We will miss you. We are still glad we have you in our halls.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise to support SCR 23 and to honor this outstanding individual. I am just proud to say that I am a fellow Iowan and also proud to say that I followed Joe to the University of Iowa. I'm happy to say I joined him out here. It has been a pleasure to know the entire family. We thank you for your service. Thank you.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. It is certainly my pleasure to rise in support of this resolution. I think in 1979, when he was selected to be the president of UNR, that I took one look at him and said, "This guy is going to be like when I was going to school there. About a two-year tenure and he's gone." He outlasted me. It's because of his hard work and his dedication to the whole university system. It was just a few years ago that our sister institution down in southern Nevada had a few problems. I remember him being here that year, lobbying for both institutions, equally. He took care of the problems that had to be taken care of at both ends of the state. It's really fitting that he is now, while retired as president, lobbying for the entire university system. I think he can be credited with helping develop a real fine university system—not only UNR, but the entire system. This because of his hard work and his honesty and dedication. He has the most credibility of any university official that I have ever seen appear before the money committees in this august body. I wish him and Joy a good retirement. It's always nice to see him working the halls still. Congratulations on a good tenure as president of UNR.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It's also an honor to rise in support of SCR 23. Dr. Crowley, we all appreciate and recognize the wonderful job you have done over the years. I did not go to the university of Nevada; in fact, I didn't go to any. I have gotten somewhat of an education around here, over the years. I have to say that everyone recognizes the wonderful, outstanding job you have done for Nevada and the university over the years. As I think back, I have observed that you used your wonderful influence and your ability to great effect. You are probably the only person that I can think of that ever was able to keep a handle on that group called the Board of Regents. I have to tell you, I think that's a really good job for a guy who had to spend a few years down there in Fresno—we know about those Fresno people. We have one of those over in the Governor's mansion, don't we? In all seriousness, it's just wonderful. This is long overdue. Thank you so much.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I want to rise in support of the resolution. I want to thank Joe for all he's done for rural Nevada and especially his support of our community college in Elko. Thank you again, Joe.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I offer my support for the resolution as well, Dr. Crowley. This is not about northern Nevada or southern Nevada—it's about Nevada. His efforts will long be remembered. You can often tell a person by their friends and their colleagues, and the support they have. This resolution speaks directly to that. I thank you for your service.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 266.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 266 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 13 of the 70th Session.
Resolution read second time and ordered to third reading.

Senate Bill No. 7.
Bill read second time and ordered to third reading.

Senate Bill No. 16
Bill read second time and ordered to third reading.

Senate Bill No. 29.
Bill read second time and ordered to third reading.

Senate Bill No. 37.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 101.
Bill read third time.
Remarks by Assemblymen Lee and Dini.

Roll call on Assembly Bill No. 101:

YEAS—40.

NAYS—None.

EXCUSED—Anderson, Beers—2.

Assembly Bill No. 101 having received a constitutional majority, Mr.
Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblymen Brower, Buckley, Goldwater and Brown.

Potential conflict of interest declared by Assemblymen Brower, Brown,
Buckley, Humke and Ohrenschall.

Roll call on Assembly Bill No. 148:

YEAS—40.

NAYS—None.

EXCUSED—Anderson, Beers—2.

Assembly Bill No. 148 having received a constitutional majority, Mr.
Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly
Bill No. 22; Senate Bill No. 64.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the
Assembly Chamber for this day was extended to Domenic Dini.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Prez and Regina Scott.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. John Rhodes, M.D. and Gioia Rhodes.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Robinson, Bryon Slobe and Mike Dondero.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Bailey, Joey Bright, Brianne Dos Reis, Elvia Garcia, Lee Hampton, Jacob Johannessen, Sara Johnson, Artone Lebard, Alyssa Lee, Michael Lovett, Marcella Mayfield, Amanda Nolte, Jose Orozco, Catherine Reno, Francis Reno, Marisol Rodriquez, Jalendra Shrestha, Sara Smith, Jenna Wirshing, Matthew Barker, Margaret Boulton, Alexandria Chuan, Philip Dayhin, Robert Evanson, Oscar Farfan, Jeffrey Fiddler, Jennifer Hansen, Samantha Hayek, Rachel Juell, Ana Linares, Mac Little, Sergio Melchor, Anthony Morrey, Katherine Preston, Robert Read, Tara Sallee, Joe Sanders, Joseph Scafidi, Lauren Shumaker, Justin Siri, Lindsay Smith, M.C. Waite, David Wolfe, Paul Nielsen, Frank Daykin, Jan Reed, Debbie Bell, John Morrey and Marilyn Morrey.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to General Doug Byington and General Gordon R. Sullivan.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Berkheiser.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, March 23, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:26 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 23, 2001

Assembly called to order at 10:48 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Beers, Hettrick, Ocegüera and Ohrenschall, who were excused.

Prayer by the Chaplain, Pastor Monte Fast.

Eternal God, may we be granted the grace of becoming rich in relationships over material, being first in extending the hand of reconciliation, fulfilling that second great commandment of loving our neighbor as we love ourselves, placing service above self.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 14.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Amodei, Jacobsen, Raggio, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 15—Memorializing former Assemblyman John Frank Giomi.

WHEREAS, The members of the Nevada Legislature note with sadness the passing of native Nevadan and former Assemblyman, John Frank Giomi, on June 17, 2000; and

WHEREAS, Born in Mason Valley on March 6, 1917, to Frank and Cherubina Bennett Giomi and remaining a lifetime resident of Lyon County, John Giomi attended rural schools in the valley and graduated from Yerington High School; and

WHEREAS, After graduating from the University of Nevada in 1941 with a degree in agriculture, John Giomi was employed with the United States Soil Conservation Service until he was drafted into the United States Army in 1942; and

WHEREAS, During his time with the military, John Giomi fought in the Battle of the Bulge, was taken prisoner, later to be liberated by the English, and was honorably discharged from the service in 1945; and

WHEREAS, Upon his return to Nevada, John Giomi and his brother, Joe, purchased the Central Mercantile in Smith Valley and, after selling the store in 1954 but retaining the equipment portion of the business, John opened Ace Hardware in Yerington in 1969 which he operated along with several family members until his retirement in 1995; and

WHEREAS, John Giomi's dedication to serving the residents of Lyon County found expression in many ways, including 25 years of service as a volunteer fireman as well as service on the District Fire Board, the Lyon County Drug and Alcohol Council, the Yerington Senior Center Board and the Lyon County Draft Board; and

WHEREAS, Other community involvement by John Giomi included teaching agriculture to returning World War II veterans, coaching Little League baseball, membership in the Yerington and Smith Valley Rotary Clubs, and 52 years of service as a member of the Veterans of Foreign Wars; and

WHEREAS, John Giomi was elected to the Nevada State Assembly in 1954 and represented the residents of Lyon County for seven regular legislative sessions and three special legislative sessions until he was succeeded by Joseph E. Dini, Jr., in 1967; and

WHEREAS, During his years of service in the Nevada State Assembly, John Giomi served on numerous committees, including the Education Committee, the Fish and Game Committee, the Legislative Functions Committee, the Livestock Committee, the Mines, Mining and Public Lands Committee, the Roads, Transportation and Aviation Committee, the Social Welfare Committee, the Taxation Committee, the Veterans' Affairs Committee and, most notably, the Agriculture and Irrigation Committee, serving as its Chairman in 1955, 1959, 1960, 1963 and 1965; and

WHEREAS, As an Assemblyman, John Giomi introduced and was instrumental in gaining passage of legislation on a variety of issues, including agricultural chemical regulation, livestock, federal water rights, veterans' affairs and education funding; and

WHEREAS, John Giomi is survived by his wife, Jere, daughter, Patti Dohoney, and son, Joe, all of Yerington, son, John of Fallbrook, California, brother, Joe of Smith Valley, and four grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature express their heartfelt sympathy to the family and friends of former Assemblyman John Frank Giomi; and be it further

RESOLVED, That John Giomi will long be remembered for his rich legacy of service to the people of Lyon County and to the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jere, John Giomi's beloved wife of 50 years.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Ladies and gentlemen of the House, John Giomi was a legend in our community. He grew up in Mason Valley and attended Yerington High School and graduated from UNR in 1941 with a degree in Agriculture. I think his brother Joe and he played some football at UNR, too. I shouldn't say UNR. I think it was UN, then, the University of Nevada.

John was a war hero in World War II. He fought in the Battle of the Bulge and was taken prisoner. He was released by the English after being imprisoned for six months in a war camp. He and his brother Joe purchased the Central Mercantile in Smith Valley, upon the end of the war. They had a John Deere dealership for many years, there, as well. The Giomi operations have always been one of a family, working together. John told me many times that he could not have served in the Assembly for those seven terms, had it not been for his brother and his wife, Jere. They would take over for him, so he could leave and serve in these hallowed chambers we have here.

Since his retirement from politics, he operated the Ace Hardware in Yerington, also with his wife, his son and his daughter. John and Jere were very big fans of the San Francisco Giants. They always attended spring training. I imagine Jere's missing this year down in Tucson. I know he had been in Rotary a long, long time. I'd say it was close to 50 years that he was a Rotarian. Forty-eight years in the Smith Valley/Yerington Rotary clubs. He was very devoted to his community. He was a strong member of the Veterans organizations in the state. He was a 52-year member of the Veterans of Foreign Wars in Nevada.

When he was serving in the Assembly, he was a strong leader for Veterans Affairs, in these Chambers. A lot of legislation is on the books today because of his efforts to help the Veterans in our state. He served as chairman of the Agriculture and Irrigation committees five times. He also served once as Speaker pro Tempore. He's championed legislation dealing with agricultural chemical regulation, livestock issues, water rights. He knew water rights backwards and forwards. He was a leader in education and funding.

I remember in 1966, when he announced he wasn't going to run again for his seat, I dashed to see him and asked him if he meant that. I didn't think he would ever quit. He assured me he wasn't going to run. I certainly wasn't going to run against him; I'd still be at the starting gate if I had done that. That launched me into my political career, when he retired. I'm proud of the fact I followed him. He had 14 years; when I get done with this term I'll have 36 years. A couple of old Democrats have had that district for 50 years. That is a long time for one party to control one district. I don't think John ever thought I was a good Democrat, though. He kind of thought I was a Republican in disguise. He was a true Democrat. He had a great reputation on people issues. I learned from him. He educated me as we went along.

When I got to be Speaker pro Tempore in 1973, he saw me one day and handed me his Mason's Manual that he had when he was Speaker pro Tempore. I still have it and I cherish that, I really do.

He was a man of great compassion. He was a great family man, deeply devoted to his wife Jere and his family. He loved his country. He loved this state. He loved Lyon County. Mostly, he loved his family. We'll never forget John, for he was a wonderful person. He meant a lot to everyone that knew him and everyone that touched him. He was really, truly, a great American and a great Nevadan. Thank you.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 15 be immediately transmitted to the Senate.

Motion carried unanimously.

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of Assembly Bills Nos. 15, 19, 31, 35, 52, 53, 58, 73, 75, 80, 90, 109, 115, 120, 122, 124, 134, 139, 141, 146, 147, 166, 174, 177, 178, 184, 188, 196, 206, 214, 221, 222, 224, 228, 230, 232, 241, 244, 250, 297 and 300.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 546—AN ACT relating to air pollution; revising the provisions governing the distribution and use of administrative fines imposed

for certain violations relating to air pollution; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 547—AN ACT relating to securities; making various changes to provisions governing securities; increasing the licensing fees for broker-dealers, sales representatives, investment advisers and representatives of an investment adviser; making various changes to provisions governing the authority of the administrator of the securities division of the office of the secretary of state in licensing matters; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 548—AN ACT relating to administrative assessments; revising provisions governing the eligibility of certain agencies to receive a distribution of proceeds from administrative assessments to include the advisory council for prosecuting attorneys; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 549—AN ACT relating to water systems; increasing the amount of general obligation bonds that the state board of finance may issue to provide grants to publicly owned water systems for capital improvements; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 550—AN ACT relating to mental health; restricting the authority of a mental health facility to override a client's refusal of antipsychotic medication; making various changes to procedures for the detention and civil commitment of mentally ill persons; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 87.

Amend sec. 2, page 2, line 45, by deleting "Enter" and inserting: "When sufficient funding is available for this purpose, enter".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the title of the bill, third line, by deleting: "making an appropriation;"

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 13, 29, 219; Assembly Joint Resolution 13 of the 70th Session; Senate Bills Nos. 7, 16, 29 and 37 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 107; Assembly Concurrent Resolution No. 13; Senate Concurrent Resolution No. 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Pate.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Louise Tanneheimer, Joan M. Lemere, Rose Irwin, Jean Baker, Joyce Marshall, Carrie Townley Porter, Carol Clanton, Catherine Sanders, Alice G. Downee, Cherry L. Jones, Patricia J. McNeill, Fran Feinhandler, Sally Zanjani, Shirley Giodacchini, Shirley Fraser, Wanda Brown, Gail F. Hacker, Sarah Britt, Gertrude Gottschald, Kathy Allred, Georgia Hettrick, Patricia Tripple, Holly Van Valkenburgh, Dixie Westergard and Isabel Espinoza.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jere Giomi, Patricia Dohoney, Joe Giomi, John Giomi, Anna Belle Giomi, Diane Lawrence, Loreha Safford, Dorman Patten, Trevor John Smith and Jenica Campbell.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Lance Barnett.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Penley.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 26, 2001 at 11:00 a.m. in memory of Robert Laxalt.

Motion carried.

Assembly adjourned at 11:19 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 26, 2001

Assembly called to order at 11:22 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

Our Father in Heaven, we give You thanks for good weather and the lovely promise of spring. We thank You for good health, good friends, and all the things we so often take for granted. We thank You for the keen challenges of this hour, for work to do that demands the best we have and still finds us inadequate. Then may we seek Your help, knowing that in partnership with You, in applying Your will to our problems, there shall be no dull moment and no problems beyond solution. God bless us all and help us to be right and to do right.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 5 of the 69th Session, as amended by the 70th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Select Committee on Energy, to which was referred Assembly Bill No. 369, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 23, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 110.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 25, 182.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 24, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 313, 319, 330, 335, 343, 346, 354, 356, 367, 371, 378, 404, 405, 409, 411, 416, 420, 424, 426, 448, 449, 453, 454, 470, 473 and 474.

Mark Stevens

Fiscal Analysis Division

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 12—Proposing to amend the Constitution of the State of Nevada to establish an intermediate appellate court and revise the term of a person appointed to fill a vacancy in an office for supreme court justice, court of appeals judge or district judge.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 6 and sections 1, 4, 7, 8, 11, 15, 20 and 21 of article 6 of the Constitution of the State of Nevada be amended to read respectively as follows:

Sec. 3A. 1. *The court of appeals must consist of three judges or such greater number as the legislature may provide by law. If the number of judges is so increased, the supreme court may provide by rule for the assignment of each appeal to a panel of not less than three judges for decision.*

2. *After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this state at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial judges must be elected by the qualified electors of this state at the first general election following the enactment of this section. The initial terms of the judges must be staggered so that at least one judge serves for an initial term of 2 years, at least one serves for an initial term of 4 years and at least one serves for an initial term of 6 years. The initial judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this state at the first general election following the increase for a term beginning on the first Monday of January next after the election. The legislature shall provide for an initial term of 6 or fewer years for each additional judge so that one-third of the total number of judges, as nearly as may be, is elected every 2 years. If the number of judges is increased by more than one, the additional judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill.*

3. *The supreme court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years and may succeed himself. The chief judge may resign his position as chief judge without resigning from the court of appeals.*

4. *The supreme court may provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.*

Section 1. The Judicial power of this State ~~{shall be}~~ is vested in a court system, comprising a Supreme Court, a *Court of Appeals*, District Courts ~~{}~~ and Justices of the Peace. The Legislature may also establish, as part of the system, Courts for municipal purposes only in incorporated cities and towns.

Sec. 4. 1. The supreme court ~~{shall}~~ and the court of appeals have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. *The legislature shall fix the jurisdiction of the court of appeals and, where appropriate, provide for the review by the supreme court of appeals decided by the court of appeals. The supreme court ~~{shall}~~ and court of appeals also have power to issue writs of mandamus, certiorari, prohibition,*

quo warranto [] and *habeas corpus* and also all writs necessary or proper to the complete exercise of [its appellate] *their* jurisdiction. Each [of the justices shall have power to] *justice of the supreme court and each judge of the court of appeals may* issue writs of *habeas corpus* to any part of the state, upon petition by, or on behalf of, any person held in actual custody [] in this state and may make such writs returnable, before [himself] *the issuing justice or judge or the [supreme court,] court of which the justice or judge is a member, or before any district court in the state or [before] any judge of [said courts,] a district court.*

2. In case of the disability or disqualification, for any cause, of [the chief justice or one of the associate justices] *a justice of the supreme court, [for any two of them,] the governor [is authorized and empowered to designate any] may designate a district judge [or judges] or a judge of the court of appeals to sit in the place [or places of such] of the disqualified or disabled justice . [for justices, and said judge or judges so designated shall receive their] The judge designated by the governor is entitled to receive his actual expense of travel and otherwise while sitting in the supreme court.*

3. *In case of the disability or disqualification, for any cause, of a judge of the court of appeals, the governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge that the governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.*

4. *The supreme court may provide by rule for the assignment of one or more justices of the supreme court to devote a part of their time to serve as supplemental judges of the court of appeals or district judges, where needed.*

Sec. 7. The times of holding the Supreme Court , *the Court of Appeals and the District Courts [shall] must* be as fixed by law. The terms of the Supreme Court [shall] *must* be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the state. *The terms of the Court of Appeals must be held at the place provided by law.* The terms of the District Courts [shall] *must* be held at the County seats of their respective counties unless the Legislature otherwise provides by law.

Sec. 8. 1. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State [] and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided [] or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of Justices of the Peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases in which appeals may be taken from Justices and other courts. The Supreme Court, *the Court of Appeals,* the District Courts [] and such other Courts [] as the Legislature [shall designate, shall be] *designates* are Courts of Record.

Sec. 11. The justices of the supreme court , *the judges of the court of appeals* and the district judges [shall be] *are* ineligible to any office, other than a judicial office, during the term for which they [shall] have been elected or appointed [], and all elections or appointments of any such judges by the people, legislature [] or otherwise [] during said period [] to any office other than judicial [] shall be] *are* void.

[See:] Sec. 15. The Justices of the Supreme Court , *the Judges of the Court of Appeals and District Judges [shall] are* each *entitled* to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which [shall] *must* not be increased or diminished during the term for which they [shall] have been elected, unless a Vacancy occurs, in which case the successor of the former incumbent [shall] *is entitled* to receive only such salary as may be provided by law at the time of his election or appointment; and provision [shall] *must* be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the supreme court , *the court of appeals* or among the district judges, the governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the commission on judicial selection.

~~[2.—The]~~ Except as otherwise provided in subsection 2, the term of office of any justice or judge so appointed expires on the first Monday of January following the ~~[next]~~ first general election ~~[.]~~ that is held at least 12 calendar months after the date on which the appointment was made. At that general election, a justice or judge must be elected to fill the remainder of the term.

2. If the date on which the appointment was made is within the 12 calendar months immediately preceding the expiration of the term of the vacated office, the term of office of the justice or judge appointed pursuant to subsection 1 is the remainder of the unexpired term of office.

3. Each nomination for the supreme court ~~[shall]~~ or the court of appeals must be made by the permanent commission, composed of:

(a) The chief justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

4. Each nomination for the district court ~~[shall]~~ must be made by a temporary commission composed of:

(a) The permanent commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or , if it fails to do so , the *supreme* court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~[shall]~~ must be appointed when a vacancy occurs, and their terms ~~[shall]~~ expire when the nominations for such vacancy have been transmitted to the governor.

7. An appointing authority shall not appoint to the permanent commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

8. After the expiration of 30 days from the date on which the commission on judicial selection has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, such commission shall serve as the permanent commission established by subsection 3 of this section.]~~

Sec. 21. 1. A justice of the supreme court, a *judge of the court of appeals*, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the commission on judicial discipline. Pursuant to rules governing appeals adopted by the supreme court, a justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or, if it fails to do so, the *supreme* court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the commission may impose;

(b) The grounds for censure and other disciplinary action that the commission may impose, including, but not limited to, violations of the provisions of the code of judicial conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The supreme court shall adopt a code of judicial conduct.

7. The commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the commission by any person or on the motion of the commission. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter ~~{shall}~~ *must* be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

10. If a proceeding is brought against a justice of the supreme court, no justice of the supreme court may sit on the commission for that proceeding. *If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the commission for that proceeding.* If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

11. The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.
And be it further

RESOLVED, That section 3 of article 7 of the Constitution of the State of Nevada be amended to read as follows:

~~{See}~~ Sec. 3. For any reasonable cause to be entered on the journals of each House ~~{}~~ which may ~~{}~~ or may not be sufficient grounds for impeachment, the ~~{Chief Justice and Associate}~~ Justices of the Supreme Court, *the Judges of the Court of Appeals* and *the* Judges of the District Courts ~~{shall}~~ *must* be removed from Office on the vote of two thirds of the Members elected to each branch of the Legislature, and the Justice or Judge complained of ~~{}~~ *shall* *must* be served with a copy of the complaint against him ~~{, and shall}~~ *and* have an opportunity of being heard in person or by counsel in his defense; ~~{}~~ *Provided*, that no member of either branch of the Legislature ~~{shall be}~~ *is* eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That section 8 of article 15 of the Constitution of the State of Nevada be amended to read as follows:

~~{See}~~ Sec. 8. The Legislature shall provide for the speedy publication of all Statute laws of a general nature, and such decisions of the Supreme Court ~~{}~~ *and the Court of Appeals*, as it may deem expedient; and all laws and judicial decisions ~~{shall}~~ *must* be free for publication by any person; *Provided*, that no judgment of the Supreme Court *or the Court of Appeals* shall take effect and be operative until the Opinion of the Court in such case ~~{shall be}~~ *is* filed with the Clerk of said Court.

Assemblyman Price moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 16—Urging certain governmental agencies to post agendas of their public meetings on the Internet.

Assemblyman Bache moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 551—AN ACT relating to cosmetology; authorizing the sale of food or beverages in a licensed cosmetological establishment under certain circumstances; revising the provisions relating to the issuance of a certificate of registration for a cosmetologist's apprentice; revising the provisions relating to the practice of a profession other than cosmetology in a cosmetological establishment; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 552—AN ACT relating to manufactured buildings; revising the definitions of “factory-built housing” and “modular building” to exclude manufactured homes and commercial coaches; clarifying that such housing or buildings must be designed to be affixed to land or to a foundation, footing or existing building; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 553—AN ACT relating to property; revising the procedures for notification for an application for certain conditional use permits, variances, special use permits or other special exceptions; revising the procedure for the vacation or abandonment of certain easements and rights of way; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 554—AN ACT relating to higher education; requiring the state treasurer to adopt regulations to establish and carry out the Nevada college savings program as authorized by federal law; creating the Nevada college savings trust fund and providing for its administration; eliminating the prospective expiration of various provisions governing the program for the prepayment of tuition at an institution of higher education; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 555—AN ACT relating to public employees’ retirement; revising the allowances that may be paid to a retired employee who accepts employment or an independent contract with a public employer under the public employees’ retirement system in a position for which there is a critical labor shortage; restricting the purchase of service credit by certain members of the system; limiting the circumstances under which contributions paid toward the purchase of service credit may be refunded; providing for the immediate assessment of a penalty if a payroll report is not filed or public employer contributions are not remitted in a timely manner; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 556—AN ACT relating to the administration of public agencies; expanding the authority of the state board of examiners to make certain emergency expenditures, to waive certain requirements regarding contracts for the services of independent contractors and to authorize its clerk to approve certain contracts and claims for money; requiring the clerk to make periodic reports of his determinations regarding such claims; requiring the state controller to transfer money from the fund to stabilize the operation of the state government under certain circumstances; requiring certain agreements for interlocal cooperation between public agencies to be in writing; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 557—AN ACT relating to constables; authorizing constables, upon request by the sheriff, to execute certain process, writs, and warrants; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that the action whereby Assembly Bill No. 556 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 558—AN ACT relating to programs for public employees; establishing for the next biennium the amount to be paid by this state for group insurance for certain public employees, public officers and retired public employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 559—AN ACT relating to the office of the governor; transferring the office for hospital patients from the department of business and industry to the office of the governor; creating the bureau for hospital patients within the office for consumer health assistance in the office of the governor; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 560—AN ACT relating to peace officers; prohibiting the expiration of the certification of certain persons by the peace officer's standards and training commission under certain circumstances; providing that certain field agents and inspectors of the state department of agriculture are category II peace officers; revising the authority of the director of the state department of agriculture to designate certain department personnel as field agents and inspectors; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 561—AN ACT relating to the state militia; authorizing the governor to promote the adjutant general to the grade of lieutenant general under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 562—AN ACT relating to public works; requiring applicants for qualification to bid on public works to have a safety program

established at the time of application; requiring such applicants to meet certain licensing requirements at the time of application; requiring the state public works board or governing body to consider certain factors in determining whether an applicant is qualified to bid on a public work; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 563—AN ACT relating to public employees; authorizing an additional deferred compensation plan for state and employees and employees of political subdivisions; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 564—AN ACT relating to programs for public employees; requiring the board of the public employees' benefits program to coordinate the benefits of certain retired members of the program; requiring the commingling of the claims experience of active and retired state employees to determine rates and coverage; requiring the reduction of the rates of certain retired members of the program to reflect coverage by a plan other than the program; requiring the board to provide an annual report regarding the administration and operation of the program to the director of the legislative counsel bureau; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 565—AN ACT relating to state employees; authorizing monthly payroll cycles for certain state employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 566—AN ACT relating to the Las Vegas Valley water district; authorizing the district to make the prohibition against the wasteful use of water a condition for the provision of water service; authorizing the district to assess and collect monetary penalties for the wasteful use of water;

exempting certain personal information contained in the records of the district regarding customers from the laws governing records of public agencies; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 567—AN ACT relating to state financial administration; allowing the State of Nevada or a state agency to purchase property pursuant to an agreement the term of which extends beyond the current biennium; allowing the interest on certain state securities to be paid more frequently than semiannually; exempting from the operation of the Uniform Commercial Code—Secured Transactions certain transfers and security interests involving this state or a governmental unit of this state; authorizing the issuance of general obligation bonds to finance improvements and refinance existing obligations relating to Southern Nevada Women's Correctional Facility; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 568—AN ACT relating to county recorders; revising the provisions governing county recorders; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 569—AN ACT relating to state financial administration; exempting certain professional and occupational boards from the state budget act and the provisions governing the administration of state funding; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 570—AN ACT relating to the charter of Carson City; establishing a residency requirement for members of advisory boards; prohibiting certain officers from serving on certain boards after their terms of office expire; revising the requirements for the office of purchasing and contracts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 571—AN ACT relating to counties; authorizing a board of county commissioners to provide by ordinance for the covering or removal of certain graffiti on private property at county expense; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 572—AN ACT relating to the office of the attorney general; establishing a single fraud control unit for insurance within the office; establishing the duties of the unit; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 369, just reported out of committee, be placed on the Second Reading File.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Select Committee on Energy:

Amendment No. 88.

Amend the bill as a whole by deleting sec. 3 and inserting: “Sec. 3. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 10 and inserting:

“Sec. 10. (Deleted by amendment.)”.

Amend sec. 14, page 6, by deleting lines 22 and 23 and inserting:

“(a) Any hydroelectric plant, facility, equipment or system which has a generating capacity of not more than 15 megawatts and which is located on the Truckee River or on a waterway that is appurtenant to or connected to the Truckee River.”.

Amend sec. 18, page 7, by deleting lines 16 through 29 and inserting: *“the application unless the electric utility proves a substantial financial emergency by clear and convincing evidence. The commission may base its approval upon such terms, conditions or modifications as the commission deems appropriate.*

4. *On or after July 1, 2007, an electric utility may file an application to dispose of a generation asset. If an electric utility files such an application, the commission may not approve the application unless the commission finds that disposal of the generation asset will be in the public interest. The commission may base its approval upon such terms, conditions or modifications as the commission deems appropriate.”.*

Amend the bill as a whole by deleting sec. 27 and inserting: “Sec. 27. (Deleted by amendment.)”.

Amend sec. 31, page 15, line 24, by deleting “704.987 and” and inserting “704.987,”.

Amend sec. 31, page 15, line 25, after “704.988” by inserting “and 704.990”.

Amend the leadlines of repealed sections by adding the leadline of NRS 704.990.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 13:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblymen Carpenter and Marvel.

Roll call on Assembly Bill No. 29:

YEAS—41

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblymen Buckley and Carpenter.

Roll call on Assembly Bill No. 219:

YEAS—39.

NAYS—Angle, Marvel—2.

EXCUSED—Freeman.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 267:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 13 of the 70th Session.

Resolution read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Joint Resolution No. 13 of the 70th Session:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Joint Resolution No. 13 of the 70th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 7:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblymen Carpenter, Dini, Chowning and Collins.

Potential conflict of interest declared by Assemblymen Chowning and Collins.

Roll call on Senate Bill No. 16:

YEAS—40.

NAYS—Buckley.

EXCUSED—Freeman.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 29.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 29:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Senate Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblywoman Ohrenschaß.

Roll call on Senate Bill No. 37:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 573—AN ACT relating to criminal justice; authorizing a county to administer and distribute money collected for court-ordered restitution from certain persons; eliminating the restitution trust fund in the state treasury; providing that payments for restitution must be deposited in a separate fund in the appropriate county treasury for disbursement to victims of crime; reclassifying parole and probation officers as category I peace officers; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 574—AN ACT relating to offenders; providing for the continuation of certain programs of treatment for the abuse of alcohol or drugs for certain offenders; revising certain provisions concerning such programs of treatment; clarifying that eligibility for parole from consecutive sentences is based upon the sentence with the longest period before the prisoner is eligible for parole; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 575—AN ACT relating to civil actions; requiring a person filing a tort action against certain governmental entities or their officers or employees to file a notice of action within a certain period of time; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 576—AN ACT relating to judgments; clarifying the circumstances under which the enforcement of a foreign judgment may be stayed; prescribing the procedures for determining the amount of a bond to secure the stay of execution of certain judgments pending appeal; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 577—AN ACT relating to guardianships; establishing procedures for permanently placing an abused or neglected child with a guardian under certain circumstances; authorizing a court to appoint an attorney for certain persons involved in a proceeding for the establishment of such a guardianship; establishing procedures for permanently placing an Indian child with a guardian under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 578—AN ACT relating to gaming; revising the definition of “manufacturer” for the purposes of the Nevada Gaming Control Act; revising the computation of interest payable by the Nevada gaming commission on the overpayment of certain fees and taxes; revising provisions relating to persons who acquire a certain beneficial ownership in a publicly traded corporation registered with the commission; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 579—AN ACT relating to property; establishing a statute of limitation for certain actions for inverse condemnation; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 580—AN ACT relating to the department of prisons; eliminating the provisions pertaining to contracts concerning the sale or donation of blood or blood plasma by offenders; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 581—AN ACT relating to orders; making various changes concerning orders for protection against domestic violence; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 582—AN ACT relating to criminal procedure; revising the provisions pertaining to the competency of defendants; eliminating the sanity commission; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 583—AN ACT relating to assistance to victims of domestic violence; transferring the duty to administer the account for aid to victims of domestic violence from the administrator of the division of child and family services of the department of human resources to the director of the department or a person designated by the director; authorizing the director to use money in the account to pay the administrative expenses associated with awarding grants from the account; eliminating the duty of the commission on mental health and developmental services to render advice concerning the award of such grants; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 584—AN ACT relating to supervision; requiring the posting of a bond by probationers and parolees who request permission to reside in another state; enacting provisions governing the forfeiture and distribution of such bonds under certain circumstances; providing for the establishment of standards and adoption of regulations concerning such bonds; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 585—AN ACT relating to crimes; redefining the term “battery that constitutes domestic violence” for the purpose of imposing penalties for such a crime; revising the penalties for committing a battery that constitutes domestic violence; removing the requirement that a person convicted of a first offense of driving under the influence of intoxicating liquor or controlled substances be dressed in distinctive garb while performing community service; removing the requirement that a person convicted of a second offense of driving under the influence of intoxicating liquor or controlled substances be ordered to perform community service; making various changes concerning the revocation of the driver’s license of a person convicted of a first offense of driving under the influence of intoxicating liquor or controlled substances; removing the provisions concerning the preconviction revocation of the driver’s license of a person who tests positive for driving under the influence of intoxicating liquor or controlled substances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 586—AN ACT relating to victims of crime; authorizing a victim of a sexual assault to obtain a fictitious address from the secretary of state; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that the action whereby Assembly Bill No. 572 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Bache moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblyman Anderson moved that the action whereby Assembly Bill No. 585 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 587—AN ACT making an appropriation to restore and increase the balance in the stale claims account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 588—AN ACT making an appropriation to restore the balance in the emergency account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 589—AN ACT making an appropriation to the State Public Works Board for the construction of a Hi-Tech Learning Center at Rancho High School in North Las Vegas; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 590—AN ACT making an appropriation to the Welfare Division of the Department of Human Resources for energy bill assistance for low-income Nevadans; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 591—AN ACT making an appropriation to the State Public Works Board for a needs assessment and feasibility study relating to curriculum programming and potential building construction at the Fallon campus of the Western Nevada Community College; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 592—AN ACT making appropriations from the state general fund and the state highway fund to the Department of Motor Vehicles and Public Safety for various information technology upgrades; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 593—AN ACT making an appropriation to the State Department of Agriculture for the support of the Advisory Council for Organic Agricultural Products; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 594—AN ACT making an appropriation to the Culinary and Hospitality Academy of Las Vegas for the design and construction of a facility for vocational training in Southern Nevada; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 595—AN ACT making an appropriation to Clark County for the support of the Greater Las Vegas Inner-City Games; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 596—AN ACT making an appropriation to the Department of Motor Vehicles and Public Safety for computer upgrades at the Division of Parole and Probation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 597—AN ACT making an appropriation to the Department of Motor Vehicles and Public Safety for the purchase of computers for the Division of Parole and Probation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 598—AN ACT making an appropriation to the Department of Human Resources for an enhanced health clinic for the Jan Evans Juvenile Justice Center; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 599—AN ACT making an appropriation to the Department of Human Resources for a program to coordinate family resources; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 600—AN ACT relating to the legislature; requiring the fiscal analysis division of the legislative counsel bureau to prepare a legislative proposal for the budget for the state government; requiring the chief of the budget division of the department of administration to provide certain information to the fiscal analysis division of the legislative counsel bureau; repealing the provision that creates the budget subcommittee of the legislative commission; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 601—AN ACT relating to state financial administration; restricting the ability of a state agency to enter into certain agreements to purchase real property; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 602—AN ACT relating to the attorney general; removing the employees of the office of the attorney general from the classified and unclassified service of the state; requiring the attorney general to adopt certain rules and policies and determine the salaries and benefits of the employees of the office of the attorney general; authorizing the attorney general to transfer money between budget accounts without the approval of the interim finance committee; revising the circumstances under which the attorney general may enter into certain contracts; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 603—AN ACT relating to health care; creating the Nevada health account for uninsured families in the state general fund; providing that the account be used to promote the availability of health care benefits for uninsured families in this state and to assist families in this state to access essential health care services; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 604—AN ACT relating to state employees; changing the name of the award presented to a state employee for continuous and faithful employment with the state for a certain number of years; removing the statutory limit on the maximum amount of money that may be spent on such an award; requiring the state board of examiners to prescribe a maximum amount of money that may be spent on such an award; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 605—AN ACT relating to state purchasing; authorizing the chief of the purchasing division of the department of administration to withdraw money from the state purchasing fund under certain circumstances; providing that the maximum balance in the state purchasing fund is permanently reduced by the amount of the withdrawal; limiting the amount of a temporary transfer from the state general fund to the state purchasing fund under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 606—AN ACT relating to public officers; making various changes regarding the base amount and the periodic review and adjustment of compensation of certain state and local elected officers; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 607—AN ACT relating to unemployment compensation; authorizing federally recognized Indian tribes to elect to become liable for payments by way of reimbursement in lieu of contributions to comply with federal law; increasing the daily compensation for service for members of the Nevada employment security council; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 608—AN ACT relating to property; transferring the responsibility for administering the program for property tax assistance for senior citizens from the department of taxation to the aging services division of the department of human resources; increasing the maximum dollar amount of the assistance; lengthening the period for filing a claim for assistance; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 609—AN ACT relating to the department of motor vehicles and public safety; extending the authorized period of expenditure of money appropriated to the department of motor vehicles and public safety for the purchase of modular furniture for the remodeled office in Carson City; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 610—AN ACT making an appropriation to the Comstock Cemetery Foundation, Inc., for expenses relating to the historic preservation and restoration of the cemeteries located in the Virginia City area; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 611—AN ACT relating to state financial administration; removing the limitation on the amount of the proceeds from fees and other charges related to the operation of motor vehicles that may be used to pay the costs of administration; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 612—AN ACT relating to rural health; creating in the state general fund the revolving loan account to provide assistance to certain rural health programs to make loans to rural health programs that require such assistance; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 613—AN ACT relating to education; requiring transfers of money from the fund for school improvement to provide scholarships for students pursuing degrees in teaching; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 614—AN ACT relating to state employees; increasing the amount of longevity payments to state employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 615—AN ACT relating to natural resources; directing the submission to a vote of the people of a proposal to issue state general obligation bonds to protect, preserve and obtain the benefits of the property and natural resources of this state; providing for the use of the proceeds if the issue is approved; creating the fund to protect natural resources; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 616—AN ACT relating to education; authorizing school districts to develop alternative plans for the reduction of pupil-teacher ratios in certain grades; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 617—AN ACT relating to resident agents; revising provisions governing the requirements for appointing a resident agent; creating the state resident agents' board; providing for the powers and duties of the board; establishing requirements for certification as a certified resident agent; providing for the regulation and discipline of such certificate holders; prohibiting certain persons from acting as a resident agent without a

certificate; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 618—AN ACT relating to insurance; providing for the regulation of the business of viatical settlements; requiring the commissioner of insurance to adopt regulations governing the use of electronic records and signatures; temporarily authorizing the adoption of regulations to enforce federal law concerning a bill of rights for patients; limiting the disclosure of certain information concerning consumers; making various other changes concerning the regulation of insurance; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 619—AN ACT relating to mobile home parks; authorizing the landlord of a mobile home park to require written consent before a person occupies a mobile home or recreational vehicle or moves a mobile home or recreational vehicle into the mobile home park; providing the a person who does not obtain such consent is an unlawful occupant; requiring the landlord of a mobile home park to post periodically a report on the quality of water supplied to the mobile home park; authorizing the landlord of a mobile home park to impose certain requirements pertaining to the occupancy of mobile homes; providing that certain prohibitions pertaining to increases in rent for mobile homes and mobile home lots apply to long-term leases; reducing certain periods of notice required before a landlord may bring an action for an unlawful detainer or terminate a written agreement; authorizing the landlord or manager of a mobile home park to resell certain mobile homes without being licensed as a dealer in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 620—AN ACT relating to contractors; creating a commission on construction education; creating a construction education account; authorizing the commission to grant money from the account for programs of construction education; requiring that certain fines received by the state contractors' board be credited to the construction education account; removing the requirement that the board require certain applicants for a

contractor's license or a licensee to establish financial responsibility by submitting certain information; authorizing the board to require an applicant or licensee to establish financial responsibility; removing provisions that automatically require the board to hold a hearing if the board refuses to issue or renew a license; changing certain time requirements relating to hearings; requiring the board to send a certain notice to an applicant or licensee if the board denies an application for the issuance or renewal of a license; authorizing an applicant or licensee whose application for the issuance or renewal of a license is denied to request a hearing before the board; requiring the board to hold a hearing if it receives such a request; requiring the board to include certain information on an application for the issuance or renewal of a license; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 621—AN ACT relating to real estate; clarifying the authority of the real estate commission, real estate administrator and real estate division of the department of business and industry to impose a fine or penalty or to initiate or continue an investigation, action or disciplinary proceeding against a person whose license or permit is surrendered, suspended or expired and against certain other persons; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 622—AN ACT relating to certified court reporters; requiring court reporting firms to be licensed by the certified court reporters' board of Nevada before engaging in business in this state; expanding the regulatory authority of the board; increasing certain fees that are required to be collected by the board; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 623—AN ACT relating to economic development; creating the Advisory Commission on Internet Commerce; prescribing the membership and duties of the Advisory Commission; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 624—AN ACT relating to health care plans; providing for the issuance of uniform identification cards and devices to process claims for prescription drugs or devices; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 625—AN ACT relating to professions; creating the board of massage therapists; prescribing the powers and duties of the board; requiring massage therapists to be licensed by the board; prescribing the requirements for licensure; providing penalties; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 626—AN ACT relating to financial institutions; requiring money received by the department of business and industry for certain investigative costs to be deposited in the investigative account for financial institutions; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 627—AN ACT relating to trade practices; expanding the definition of “deceptive trade practice” to include certain advertising practices relating to goods or services; revising the provisions governing certificates of registration issued to certain registrants by the consumer affairs division of the department of business and industry; requiring the renewal of those certificates of registration; increasing the amount of the security that certain dance studios and health clubs are required to deposit with the consumer affairs division; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 628—AN ACT relating to industrial insurance; expanding the circumstances under which certain police officers and firemen are entitled to receive compensation for exposure to tuberculosis; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 629—AN ACT relating to petroleum products; authorizing the state board of agriculture to adopt standards for liquefied petroleum gas that is used as a motor fuel; prohibiting the board for the regulation of liquefied petroleum gas from adopting regulations relating to the establishment of standards for fuel; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 630—AN ACT relating to public health; requiring a health authority to investigate environmental contamination that may threaten public health; making certain information obtained from such an investigation confidential under certain circumstances; requiring the state board of health to adopt certain regulations; requiring a laboratory certified to perform analyses of water to notify the health division of the department of human resources of certain threats to public health; providing a penalty; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 631—AN ACT relating to agriculture; expanding the purposes for which the state quarantine officer may proclaim a quarantine of agricultural commodities; expanding the circumstances under which the state department of agriculture may require certain owners or occupants to control, treat or eradicate certain diseases, insects, plants, weeds or other pests; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 632—AN ACT relating to water safety; prohibiting the operation of certain vessels unless persons less than 16 years of age are wearing personal flotation devices while the vessel is under way; providing a penalty; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Education:

Assembly Bill No. 633—AN ACT relating to the public employees' retirement system; authorizing certain retired employees to accept employment with school districts as teachers without affecting their receipt of retirement allowances under the system; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 634—AN ACT relating to the University and Community College System of Nevada; authorizing the board of regents of the University of Nevada to create a review board to advise the board of regents on issues concerning peace officers of the police department for the system; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 635—AN ACT relating to health care; creating the commission on autism; providing for its membership; requiring the commission to establish certain centers to provide services relating to autism; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 636—AN ACT relating to mental health; authorizing an ambulance service to transport an allegedly mentally ill person to a mental health facility at the request of the proper authority; authorizing an advanced practitioner of nursing to conduct the medical examination required for the emergency admission of an allegedly mentally ill person to a mental health

facility; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 637—AN ACT relating to elections; revising the length of time a voter may remain in a voting booth; allowing a special election to be conducted as an election by mail; providing for a person without a street address to register to vote; repealing the requirement that checklists of voters be created for elections; clarifying who may sign a petition to fill a vacancy in a nomination for a nonpartisan office; allowing certain persons who change designations of political party affiliation to be independent or minor party candidates for partisan office; revising the requirement for posting lists of voters in each precinct on election day; revising the requirements concerning certain requests for absent ballots and voting by persons who request absent ballots; revising the requirements for handling and maintaining election materials after an election; revising the requirements concerning the form, contents and filing of certain applications to register to vote; prohibiting the public disclosure of certain information concerning voters; providing for the verification of signatures on county and municipal petitions; revising the deadlines for submitting certain county and municipal petitions; prohibiting the removal of signatures from petitions; requiring notice to be given upon an appointment to fill a vacancy in an elected office; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 638—AN ACT relating to governmental administration; requiring the county or city clerk under certain circumstances to provide the result of a challenge of a voter to the person who initiated the challenge; revising the standards for counting a vote cast using certain methods of voting; allowing an elector who is not a registered voter to vote for President, Vice President, United States Senator and Representative in Congress; clarifying the treatment of special absent ballots; revising the procedures for closing a polling place and counting ballots; revising the provisions governing voting by a new resident for President and Vice President; revising certain ethical standards applicable to public officers and employees; removing the requirement that a judicial officer and a candidate for judicial office must file certain statements of financial disclosure; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 639—AN ACT relating to taxes; authorizing a person to operate or maintain on a highway in this state any special mobile equipment or farm equipment using dyed special fuel under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 640—AN ACT relating to motor vehicles; authorizes the director of the department of motor vehicles and public safety to contract with an agent to create and operate a system for verifying that the owners of motor vehicles maintain certain insurance; authorizing the director of the department of motor vehicles and public safety to adopt regulations for certain purposes; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 25.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 110.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 182.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 12:58 p.m.

ASSEMBLY IN SESSION

At 3:46 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 641—AN ACT relating to the Multistate Highway Transportation Agreement; providing that each participating jurisdiction is entitled to select not more than two designated representatives to serve on the cooperating committee; requiring the departments, agencies and officers of each participating jurisdiction to cooperate with and provide assistance to the cooperating committee under certain circumstances; specifying the designated representatives from this state to serve on the cooperating committee; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 642—AN ACT relating to the department of motor vehicles and public safety; requiring the department to offer to provide assistance to certain persons in complying with the Military Selective Service Act under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 643—AN ACT relating to motor vehicles; providing for the issuance of special license plates for antique trucks and truck-tractors; authorizing under certain circumstances the owner or operator of a motor vehicle displaying special license plates for a disabled veteran to park in a parking space designated for handicapped persons; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 644—AN ACT relating to vehicles; restricting the authority of the department of transportation and certain local governments to authorize the operation or other movement of vehicles exceeding a certain width; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 645—AN ACT relating to traffic laws; revising the provisions regarding signs posted in school zones; requiring the department of transportation to establish standards for the use of signs in school zones; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 646—AN ACT relating to motor vehicles; revising the provisions authorizing certain inspection stations and authorized inspection stations to renew certificates of registration; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 647—AN ACT relating to municipal airports; authorizing a municipality to sell, lease or exchange public land under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 648—AN ACT relating to protection from fire; providing in skeleton form for the formation of a regional fire protection district in certain counties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 649—AN ACT relating to governmental purchasing; authorizing a local government and the chief of the purchasing division of the department of administration to receive bids on secure websites on the Internet or its successor; removing the provision requiring notice of the expiration of the insurance coverage of a local government; authorizing a local government to charge fees for the use of a credit card or debit card or the electronic transfer of money when remitting fees or payments to the local government; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 650—AN ACT relating to classifications based on population; changing the population basis for the exercise of certain powers by local governments; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 651—AN ACT relating to motorboats; providing for the imposition of certain taxes on certain sales of used motorboats; excluding the value of a motorboat taken in trade from the sales price of a motorboat for the purposes of certain taxes; revising the provisions governing the administration of the exemption from certain taxes for the sale of tangible personal property to be shipped outside this state to include the sale of a motorboat to a nonresident under certain circumstances; requiring the department of motor vehicles and public safety to issue a special permit for the movement of a motorboat under certain circumstances; exempting a motorboat that has been documented pursuant to federal law from the requirement of obtaining a title pursuant to the provisions governing watercraft; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 652—AN ACT relating to taxation; increasing the amount of the ad valorem tax that certain counties may levy for the support of the family court in the judicial district that includes the county; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 653—AN ACT relating to taxation; revising the formula for the distribution of certain revenues among local governments; providing for an adjustment to the base allocation of certain local governments; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 654—AN ACT relating to local governments; authorizing the governing body of a city or county to impose a tax on nonresidential structures or require the dedication of certain land for regional parks; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 655—AN ACT relating to taxation; providing that the ordinance required to be adopted by the board of county commissioners of each county and the governing body of each city to define the term “transient lodging” for the purposes of all taxes imposed by the board or governing body on the rental of transient lodging must exclude certain establishments which primarily rent to long-term guests; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 656—AN ACT relating to the business tax; authorizing the annual payment of the tax under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 657—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for engines, chassis and certain parts and components of professional racing vehicles; contingently providing the same exemption from the Local School Support Tax Law and certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 658—AN ACT making appropriations from the state general fund and the state highway fund to the Budget Division of the Department of Administration for the continuation of the development and

roll out of the Integrated Financial System; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 659—AN ACT relating to education; revising provisions pertaining to the contents of policies adopted by certain larger school districts concerning the reconstruction, renovation or replacement of older buildings; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 660—AN ACT relating to educational personnel; prohibiting the boards of trustees of school districts from requiring certain licensed employees on leave of absence from employment to submit fingerprints as a condition of return to employment; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Select Committee on Energy:

Assembly Bill No. 661—AN ACT relating to energy; changing the office of commissioner of the public utilities commission of Nevada from an appointed to an elected office; establishing separate procedures for the filing and approval of changes in rates by certain electric utilities; authorizing certain electric utilities to use deferred accounting; providing for the levy of a one-time assessment on certain electric generating plants; requiring the public utilities commission of Nevada to consider in certain circumstances whether the construction of a new electric generating plant will increase the amount of electricity that is available for purchase in this state; requiring a public utility that purchases electricity for resale pursuant to multiple agreements to ensure to the extent practicable that the duration of such agreements is varied; revising the authority of the public utilities commission of Nevada to regulate mergers, acquisitions and other transactions involving public utilities, holding companies and other entities; making various changes with respect to net metering; establishing a program for the issuance of bonds to pay the cost of renewable energy generation projects; creating the task force for renewable energy; prescribing the membership and duties of the task force for renewable energy; creating the trust fund for renewable energy; transferring control of the Nevada state energy office from the director of the department of business and industry to the bureau of consumer

protection in the office of the attorney general; allocating to the housing division of the department of business and industry for use by the administrator of the division for a program for weatherization certain proceeds of a county tax attributable to growth in assessed valuation; prohibiting certain transactions entered into by certain utilities and holding companies; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Select Committee on Energy.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 14; Assembly Joint Resolution No. 2; Senate Concurrent Resolution No. 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Chandler, Jerry Taylor, Gino Del Signore, Rosemary Bukowski, Betty Squires, John Squires, Ruth Burnes, Byron Johnson, Eloise Todi, Rae Bucci, Don Bucci, Jo Ann Stewart, June Rivers, Jane Smedes, Jane O'Hara, Evelyn Gregory, Frank Gregory, Joan Forgatsch, L Nora Weaver, Don Dixon, Bob Kopacz, Helen Kopacz, Luci Gray, Betty Giano, Ray Hildebrand and Ester Hildebrand.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ester J. Langston.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to W. Stewart Gibbons.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Will Hull.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Moody, Rick Perry, Chris Escobar, Kay Long and Souta Ki Ku Chi.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to William Horne.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lenny Sue Tinseth, Eli Tinseth, Abby Tinseth, Ross Tinseth, Tammy Claughton, Jessica Claughton, Bethany Claughton, Cindy Simpson, Whitney Simpson, Josiah Simpson, Jeremiah Simpson, Benjamin Simpson, Matthew Simpson, Holly Tollefson, Matt Tollefson, Tim Tollefson, Andrew Tollefson, Jacob Krebaum, Gina Pate, Zachariah Calverly and Samuel Calverly.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Trant.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Johnson.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Henry Neth and Donna Campbell.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Esther Madrid.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to William Donlan.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Naomi Millisor and Harriet Trudell.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Julio Landero and Joni Reid.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Kahmis.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 27, 2001 at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:10 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 27, 2001

Assembly called to order at 11:39 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by the Chaplain, Pastor Monte Fast.

Eternal God, may we never be forgetful that we did not create ourselves, that every good gift comes from our Creator, and that we are custodians, not owners, of those material goods which come to our hands. And in acknowledging our humanity, let us commit to service above self.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bill No. 310; Senate Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 27, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25.

MARY JO MONGELLI

Assistant Secretary of the Senate

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 17—Designating March 27, 2001, as Nevada Diabetes Awareness Day.

WHEREAS, Diabetes is a serious and debilitating disease that poses a major health problem to the residents of the State of Nevada; and

WHEREAS, Diabetes is the seventh leading cause of death in the United States, with almost 16 million people having been diagnosed with the disease; and

WHEREAS, While 2,200 people are diagnosed with diabetes each day in the United States, many go undiagnosed because of lack of education and information regarding this disease; and

WHEREAS, In addition to the high mortality rate, diabetes has such life-threatening complications as blindness, kidney disease, nerve disease which may lead to lower limb amputations, heart disease and stroke; and

WHEREAS, Many people are unaware that there is an increased risk factor because of age, obesity and a sedentary lifestyle and that risk may be averted through known preventive measures; and

WHEREAS, Diabetes is one of the most costly health problems in the United States, running \$98 billion annually for lost productivity and costs directly related to the disease; and

WHEREAS, It is estimated that the population of this state will double in the next 20 years, causing a great economic burden on the state and its residents, in addition to the human suffering, if this disease goes unchecked; and

WHEREAS, The cooperative efforts in the production of the “Nevada Diabetes Resource Directory” and the “Guidelines for Children with Diabetes in School” and statewide distribution of “Diabetes Patient Management and Physician Clinical Practice Cards” will have a great impact in reducing the incidence of diabetes by promoting community awareness; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 27, 2001, is hereby designated as Nevada Diabetes Awareness Day; and be it further

RESOLVED, That the Nevada Legislature hereby commends the Nevada Diabetes Council and the Nevada Diabetes Association for Children and Adults for their efforts to reduce the effects of diabetes on the residents of this state by supplying them with resources and information; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Carolyn Leontos, Chairperson of the Nevada Diabetes Council, and to Mylan Hawkins, Executive Director of the Nevada Diabetes Association for Children and Adults.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Perkins, Nolan, Manendo and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker pro Tempore. Diabetes Awareness Day is a very important day for us at the Legislature. This is a disease that has affected millions of people in our country and thousands of people in our state. As a person who fights the disease every day, I am well aware of the problems of people plagued with this disease. My mother had diabetes and in the descendant line my sister and I became diabetics. It is a serious problem, one we must recognize at our universities, in research, and in the funding we provide for people with this tragic disease. There is nothing worse than sticking yourself in the finger three or four times a day and giving yourself a shot or taking pills. It is a necessary part of controlling this disease. People who realize they have this disease and control it are able to continue living. It is something you live with every day of your life. If you don't get it controlled you have the problems of kidney failure, blindness and nerve disease. I know Assemblyman Price has been plagued with some of these ailments the past few years. All of us must recognize that we must do more. We have to call on Congress and ourselves to combat this disease and to do the research necessary to bring a more successful conclusion to our efforts. Mr. Speaker pro Tempore, I urge your support of this resolution and call on this house to increase its awareness and support to solve this problem.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 17. I would like to echo the remarks of the Speaker Emeritus. My father was diagnosed with diabetes some 40 years ago and has been living with that disease since. It's hard to imagine, unless you are dealing with it on a daily basis, either personally or within your family. I think that is what this resolution speaks to—for more folks to be aware of the debilitating effects of that disease; the additional burdens on a family; having to be insulin dependent and take a shot every day. It speaks to even those who aren't insulin dependent. The education and efforts to learn about this are going to be very important as we move into the future. We can only hope that some time in the near future that this disease will be eradicated and many folks won't have that burden to live with. I like to urge the body to support this resolution. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of this resolution. I grew up with two friends of mine that were twins. Both were born with childhood diabetes. One of them is still with us while the other is not. They had a lifetime of struggles associated with this particular disease. Later on in life, my father, too, contracted diabetes, became insulin dependent and later passed away from complications associated with the disease. I think that the real issue is that we owe ourselves to commit to further—to whatever degree we can—treatment. We will find eventually, hopefully the cure for diabetes, especially for little kids, like Christopher Meehan who is sitting here with me today. He showed off his insulin pump, which he carries around his waist with a small needle inserted into his abdomen. It's these little fellows and little girls that we really have to strive to help in whatever way we can, including passing resolutions like this one, to eventually finding a cure for diabetes. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 17. Actually, I just wanted to mention and thank one of our colleagues from Assembly District 19. He has worked really hard and was really instrumental in recruiting a lot of the members in this body to go out on the streets on D.A.D.'s (Dollar's and Diabetes) day. I personally wanted to say, from my own standpoint, that I appreciate you involving me in this process. We go out on the street corners and we have our shirts and our hats and we raise money for this worthy cause. I just wanted to rise in support of the resolution. I also wanted to make the body aware that our colleague from Assembly District 19 is working very hard and we appreciate all that you do. Thank you.

ASSEMBLYMAN PRICE:

I, too, rise in support of ACR 17 and certainly appreciate the work the Council and Association has done in the past. As was indicated, I have diabetes type II. I always remember a story from when I first became aware I was diabetic; it was back in the days when people didn't like to tell anyone they had diabetes. People were ashamed of being diabetic and I never told anyone, other than my doctor and my immediate family. One of the side effects is that you have to visit the restroom on a frequent basis. A good friend from the press, who didn't know of the problem, did a story about me, questioning why I was getting up and leaving meetings all the time and coming back. For the first time, I acknowledged the problem and my friend from the press felt quite bad about the story. Now we are fortunate that more research is being done throughout the country. We hope that one of these days a permanent relief from this disease will be found. I would like to thank the makers and supporters of this resolution.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 17 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 18—Memorializing former Assemblywoman Jan Evans.

WHEREAS, On April 24, 2000, flags throughout the State of Nevada were lowered to half-mast in honor of the passing of one of this state's most beloved and accomplished legislators, Jan Evans; and

WHEREAS, If ever there was a time when a person's passing initiated a celebration of life, in addition to creating a cause to mourn an irreplaceable loss, the passing of Jan Evans was such a time; and

WHEREAS, Although few were aware of it, after her birth in Cleveland, Ohio, Jan grew up in foster homes, where her closest family and best friends were the animals in the barn, a circumstance that in no way embittered her, but rather caused her to work passionately on issues such as child abuse, domestic violence, education and juvenile justice to protect the rights of children; and

WHEREAS, After putting herself through the University of Northern Colorado, Jan taught in the Denver public schools until she moved to Reno in 1969, where she extended her education by earning a master's degree in sociology from the University of Nevada, Reno; and

WHEREAS, After moving to Reno, Jan performed volunteer work in the community, and even before she began her career as a public servant upon being elected in 1986 to represent the residents of Sparks District 30 in the Assembly, she influenced the legislative process in the State of Nevada by spending time as a volunteer lobbyist; and

WHEREAS, During her tenure as an Assemblywoman, Jan distinguished herself by attaining the distinction of highest-ranking woman in the Assembly while serving as a member of the Assembly Committee on Ways and Means and the Interim Finance Committee each session, as Vice Chair of the Assembly Committee on Ways and Means for three sessions, as Committee Chair of the Health and Human Services Committee and Assistant Majority Floor Leader during the 1991 session, as Cospeaker pro Tempore during the 1995 session and as Speaker pro Tempore during the 1997 and 1999 sessions; and

WHEREAS, As the primary sponsor of many important pieces of legislation that will touch lives far into the future, Jan Evans built a legacy which can never die as she worked diligently to secure the passage of bills to increase money for victims of domestic violence, for protective services for children, for libraries, for treatment of AIDS and for programs for adult literacy; and

WHEREAS, Jan also sponsored bills to help equip pupils with the necessary skills for transition from school to work, to upgrade services relating to substance abuse and mental health, to accomplish long-term financial analysis and planning for our state, and to facilitate the use of money from federal tobacco settlements; and

WHEREAS, Jan will be especially remembered and admired for her courage and diligence in working for issues relating to women and children because, as one of her legislative colleagues recalled, "She cared about those issues at a time when they were not popular" and "to take on things like domestic violence was very unpopular, but she was very brave"; and

WHEREAS, Colleagues also remember Jan as one who was always prepared and had her facts at hand, and they fondly recall the image of her slowly lowering her head and looking over her colorful glasses to "scold" anyone who came unprepared for a meeting of her committee; and

WHEREAS, In the political arena where the ability to unite those with diverse opinions looms awesome, this great lady was recognized as a builder of bridges toward consensus and as a "power-sharer" who often did most of the work on a project but was the first to offer thanks to everyone who helped; and

WHEREAS, Throughout the seven terms Jan served in the Assembly, her dedication to the residents of the State of Nevada never waned, even during her struggle with cancer, as evidenced by the calls she made from her hospital bed after surgery to determine the progress of legislation that was important to her; and

WHEREAS, Proving herself to be a powerful force not only as a legislator, Jan revealed her strength of character and devotion to others through the massive amount of time she spent helping such organizations as the Advisory Council of the Committee to Aid Abused Women, Nevada Women's Fund, Women's Health Initiative, KNPB TV, Sparks Heritage Foundation and Sparks Community Chamber of Commerce, in addition to her role as the Director of Development for the University of Nevada School of Medicine; and

WHEREAS, The receipt of such awards as the Thornton Peace Prize from the University of Nevada, Reno, the Women Helping Women Award from the Soroptimist International of Truckee Meadows, the Hannah Humanitarian Award from the Committee to Aid Abused Women, the National Merit Award from the State Democratic Leaders Association, the Governor's Mental Health Leadership Award, the Toll Fellowship from the Council of State Governments, the Mike O'Callaghan Humanitarian Award from the Truckee Meadows Human Services Association, the People's Guardian Award, the Women's Role Model Award and posthumous induction into the Hall of Fame of the Nevada Women's Fund cannot express the gratitude she deserves; and

WHEREAS, In spite of her long hours of serious work, Jan also had a lighter side, as evidenced by the recollection of her close friend Sue Wagner, former Lieutenant Governor of Nevada, when she smiled about times she and Jan, as two of the few Cleveland Indian fans in this area, would pretend they were announcers and broadcast games to each other over the telephone; and

WHEREAS, Jan Evans, said the Reverend John Ruby, who conducted her funeral service, "lived not only with passion for issues, but compassion for people"; and

WHEREAS, Perhaps Dr. Robert Daugherty, Dean of the University of Nevada School of Medicine best summed up our feelings when he eulogized, "What do you say when an angel goes to heaven? Nevada has lost part of its soul and those of us left can only hope to show each other the respect and provide the help that Jan provided every day. In the office or in the Legislature, she was always looking after someone other than herself. Her behind-the-scenes work on behalf of all of us is indestructible, and the results will live for a long time."; and

WHEREAS, Jan's presence will be sorely missed, both in the Legislature and in all the places she touched, because as everyone who knew her acknowledges, Jan was a completely selfless champion of those who were unable to fight for themselves; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st legislative session offer their sincerest condolences and heartfelt sympathy to the family and friends of Jan Evans, a woman who endeared herself to everyone she knew, especially to those of us with whom she served; and be it further

RESOLVED, That the name Jan Evans has become, and will always remain, synonymous with compassion, courage and integrity, and the person Jan Evans will always be alive in our hearts and minds; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jan's son, Robert Evans, and her daughter, Tracey Heath.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Chowning, de Braga, Leslie, Dini, Gibbons, Giunchigliani, Perkins, Smith, Goldwater, Carpenter, Arberry, Marvel, Price, Buckley and Ohrenschall.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker pro Tempore. It's a long resolution, and yet for those of us who served with Jan, we know that it could not possibly touch to the depth of how it feels for the many accomplishments that Jan did here in this room and in this building and for the people of this state. Being from the same community as Jan, and watching her work, I knew from the very, very beginning that much was to be expected. However, it was her support for each of us in our own individual efforts to try and achieve what was best for the citizens of the State of Nevada that made Jan Evans stand shoulders above. There are many fine legislators here. Few will ever rise to the level of that Jan Evans has set as a mark. It is a mark for all of us to aim for. That is the best we can all hope for. She is the best of us.

Her sense of humor, I think was most important, and I am always reminded by her final words. Her final words to me, when she asked me to receive an honor for her in the closing days of her life. She said, "Please, Bernie. Don't get carried away with it." All of us can best

remember Jan Evans by doing the best job we can. That is what I am going to do. I hope many of you will, too.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker pro Tempore. It is indeed a great honor to stand today in support of this resolution, ACR 18. When we lose one of our colleagues, it hits us hard. When we lost this colleague, it hit us extremely hard. There are so many people out here that would like to say something. We have the privilege to address everyone with the microphone. When I first came as a proud member of this body, I received a very lovely china cup and saucer filled with flowers. I did not know from whom it came. Jan did not even know me. I did not know her. But that was the way she was. She was a mentor to the nth degree. We all say we would like to make a difference. Jan made a difference.

I think of her smile and her thin body. It always seemed as though she had a spirit that was like a whirlwind. Every where she was she had consummate energy. When she was ill, so many of us didn't even know that she was. That energy just kept on going. She kept it a secret from so many of us. So it is with great honor and privilege today that I rise and thank her for her mentorship and hope that all of us can continue to be mentors to other people in her honor. Thank you.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 18, as well. Jan was the first legislator I met when I first decided to run for office. She came to interview me to see if I might be worthy of Democratic support. She instantly became a wonderful friend. When I think of her, and I think of her often, I do so with such a sense of loss because she's gone. But also such a sense of great good fortune that I had the privilege of knowing and working with her.

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker pro Tempore. Jan, for me, was one of the best role models I've ever had in my life. I don't think I would have run for office if had not been for Jan. I walked in her many campaigns. You all know how our campaigns are. You have your volunteers; you never know who is going to show; you have all your literature all over your room; and you're lucky if you even made a pot of coffee and had some donuts. Well, Jan's campaigns were never like that, let me tell you. She always had everything organized. When you showed up to walk for Jan, she was ready for you and appreciated it. When I was thinking of running for office, she called me and encouraged me to do it and told me that my biggest enemy was going to be time—finding the time to manage everything. I found that piece of advice to be very true. As every piece of advice she ever gave me was very true. Mr. Speaker pro Tempore, I have enjoyed sitting next to you this session, but sitting next to her last session was the best thing that could have happened to me as a freshman. She taught me so much. Since we come from the same area and we care about the same issues, people have said to me many times, "You have some big shoes to fill." I can tell you, her shoes are impossible to fill and you all know that.

When Rob was here, when we were cleaning out her office, I went through her files. I kept a bunch of them. Some I sent to some of you, because they had meticulous notes on them, on different issues she was working on, things we are working on this session. One of my colleagues from Las Vegas knows of what I speak. She kept things she knew we would be moving towards. That was the kind of visionary she was. I have those files up in my office and from time to time I will look at the things she wrote and I find inspiration there. I can tell you, Mr. Speaker pro Tempore, we have lost the finest legislator I think we'll ever see. Rob, I miss your mother every day I'm here. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker pro Tempore. I must arise in support of this resolution. You know, Jan was my right hand person, as my Speaker pro Tempore those three sessions. Our friendship started many years ago, before she became a legislator and she was lobbying for the women and children in our state. I guess, in those days, it was uncommon for a woman to be a lobbyist. I was one of the few people on the second floor that would talk to her. She came to my office quite often and we developed a friendship that lasted all those years. I tell you, her honesty and

her loyalty to me were something I will forever cherish. I can't forget it. We worked together. She was always in my office telling me what was going on. There were no secrets. I will never forget that honesty and loyalty she showed to me. She was probably one of the reasons I was able to be Speaker eight times: because of that honesty and loyalty and dedication that we were both working for. I certainly extend my feelings to the family again and we certainly miss Jan.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of this wonderful legislator, wonderful person; I rise in support of ACR 18. I knew Jan before she was in politics. I actually met her when she was interning for Sue Wagner. They began the crusade to raise money for domestic violence. I really have felt her spirit this session and I know my colleague from Sparks, who is currently in her seat, has felt that way as well. I know that we don't have the fights that Jan and Sue had, but we have had a few. Just go out there and preach the gospel; the gospel of goodness, the gospel of Jan Evans, the gospel of Sue Wagner. I hope that I'm going to be that kind of legislator. I strive to be that kind of legislator, someone who cares about people and just always does the right thing. I guess where I want to differ from her is the part, "only the good die young." One thing she left was a wonderful legacy, a wonderful legacy in Robert and Tracy. So, I'm thankful to have them and I think Robert and his wife have moved to this area. We look for good things for them and good memories.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 18. I think every woman legislator and lobbyist in this building owes a debt of gratitude to Jan for paving the way for many of us. She did it with grace. I had two role models: Marvin Sedway and Jan Evans. Some of you probably would say I modeled myself more after Marvin Sedway. In reality, I have to say that I learned a great deal from Jan Evans. I think you have seen a little bit of a change as far as that is concerned because sometimes you can do things quietly and still carry a big stick and get your message across. When I was given the privilege of being Vice-Chairman, it almost scared me, even though I wanted it. It scared me because Jan was awesome. She was always prepared. She did everything. I don't intend to try and fill her shoes; it can not happen. All I want to do is make sure her compassion and her conscience is not forgotten in these hallowed halls. To the family, I didn't know you, but God bless you for having brought us a wonderful mom. Thank you.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of the resolution. The funny thing for me is that Jan would take us all to task for even doing this today. She wouldn't have approved of this by any stretch of the imagination. Spending any time on a resolution in her memory would have just been a waste of time as far as she was concerned. I can tell you that the half hour or so that we're going to spend on this—doesn't do her justice.

I look back on my remarks on Opening Day and those were really remarks that meant a lot to me as it relates to Jan. I talked about her being our moral compass, a person who never, ever gave up on helping those who needed it the most. Being a rare public servant who refused to bow to the political pressure of the moment. She was often our conscience. In many ways, that fit hand and glove with some of the remarks in the resolution. She was described as compassionate, courageous and with integrity. Jan took me under her wing in my freshman year on Ways and Means and taught me the ropes, if you will, on the money committee. She did it in such a way, that she led by example. It was her humility and her work ethic that really allowed you to be drawn in to that.

She was the ultimate team player to accomplish those things for those who needed it most. Many adjectives can be used to describe her. She was the consummate work horse—not the show horse. She didn't care about any of the accolades. The resolution, Mr. Speaker pro Tempore, also speaks to "power-sharer." I see it a little differently than that. I thought she was more of an empowerer. In fact, by the time she got done talking to you and by the time she got done leading by example, there became a burden on yourself to do something. You did not want to let her down. You did not want to disappoint her because the causes she fought for were so very, very important. They just envelop you. She didn't specifically ask for your help. You were

just naturally drawn into it by her aura, the way she carried herself. Without question, Nevada is a better place today because of Jan and years from now when I tell stories to my grandchildren, the stories I will tell them will be of how proud I was to serve with Jan Evans. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker pro Tempore. You have no idea how pleased I am to be here, to be able to rise in support of ACR 18. I first met Jan on her first campaign, a long time ago. Over the years, I worked with her on education issues. She was one of those people who would always talk to me, who would always welcome me into her world when I wanted to talk to her about an issue that PTA was concerned about. I still remember one time when we were having our day at the Legislature, and I was here on the floor. We had pins on that day, and I didn't have a pin—I had given it away. She didn't have one, either. She had me go and find a pin for her to wear and that touched me and stayed with me.

Unfortunately, probably for Jan, I became her neighbor about six years ago. Unfortunate because that meant some sidewalk conversations that she had to have with me about a particular issue or two. She was always very kind and spent whatever time it took for me to be able to express some concern to her. It was probably the biggest honor in my life the day she called me last January and told me she would not be able to run for reelection and asked if I would consider running in her seat. I put the phone down, sat and had a good cry. I could not believe both things were happening. She has left behind a legion of women and men who are supportive of me and have been helpful to me and I know that she watches out over each and every one of us. I, too, on days where I'm wondering if I'm doing something right will picture her looking down at me over her glasses and try to keep her spirit and her compassion alive in my heart, all the time.

I have her picture hanging in my office and I was searching and searching for something to put next to it, that reminded me of Jan. So I want to read to you the poster that I did find and when I found it, I thought "Oh my gosh. This is it." It's called "Some People" and it says, "Some people come into our lives and quickly go. Some people move our souls to dance. They awaken us to new understanding with the passing whisper of their wisdom. Some people make the sky more beautiful to gaze upon. They stay in our lives for awhile, leave footprints on our hearts and we are never, ever the same." Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker pro Tempore. The Speaker is right. Jan would not have wanted to a resolution on her life. If you recall, Jan who came to work early and stayed late and worked voraciously, during any resolution, put down her pen, put on her glasses, fold her hands, look up and listen to the resolution intently. Why? Why do we do these resolutions? Do we do them for ourselves? For the families? Do we do them for the person? I think it is a little of everything.

I will always believe, the voracious worker, didn't feel well at the start of the session. I will always believe that she delayed her medical care and her diagnosis because of her work in this Assembly and her commitment to the things she believed in. I will always believe that because of that, her life was hastened. I think that we need to recognize that and we need to recognize it for what it is—no less a commitment to her State or her beliefs than a soldier dying on a battlefield; no less a commitment to her state, her country or her family than someone who would put themselves in harm's way for what they believe. I came to this Assembly at the age of 23. I spent a good deal of my life in here. The people in this Chamber have become and are my family. It is tough to lose a family member. It is one of the hardest things you can do. You get a lot of cards, where everyone tells you what it is like to lose a family member and all the things you can accomplish and what's left. There are a lot more questions than answers given in how your heart aches and the questions you ask. What are we left with but our family? We have all lost our family member and the family she has left behind will make her proud always. The people who sit in these chairs will always be Jan's family—let's hope that she'll always be proud of her family.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 18. I came to this legislature as one of those freshman members with Jan. There were 13 of us then. There are only three left now. What I always admired most about Jan was how well she was prepared. You didn't go up against Jan, because she would always be better prepared than you were. The thing I want to say is to thank Jan Evans, the person most responsible for enabling Elko to have a class size reduction of 22 to 1. I think that she would be proud of that. She came to me and said "You know, you have to get those Republicans in the Senate to get off their duff if you want to get 22 to 1." So, that's what happened. Thank you.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker pro Tempore. Just sitting here, listening to everyone's remarks, it seemed just like yesterday that I met Jan. It has been 18 years. I was walking down the hall, headed to the Senate, and I saw this little lady coming down the hall, storming. She was pounding away. She came straight up to me and said "You don't know me but I know you." I had just become chair of the Health Committee. She said, "My concerns are women and children. And I know you are a member of Ways and Means this session. So you will see a lot of me."

As time passed, and she decided she wanted to run for office, I said, "Gosh, this lady is going to be a ball of fire." She came to this legislature, turning and swirling and getting close to all of us. I got close to her. I had to share her with the Speaker from Yerington. She was right there. She was my rock. She kept me in line. Sometimes she would call me on the phone and say, "I need to talk to you." I would say, "Okay. Who is going to come to who?" She would say, "I'll try this time to go out in the hallway and see if I can make it to your office." She was so loved by so many, she would be stopped in the hallway. She would get to my office two hours later and say, "I just got here." I knew that she was pulled in all directions because she was loved by so many.

When it came to the point she was my vice-chair, when you look on your table, and this is not a racist comment, but you have the salt and pepper. I was the salt and she was the pepper because she kept me in line. Ways and Means functioned very well. As you know, as the sessions close, you come to negotiations with the Senate. I would sit down and talk with Senator Raggio and I would say to him, "Do you really want me to go get Jan?" He would say, "Nope. We can come to some conclusion today."

In saying all this, I really miss her. She was really the glue. She made us all function very well and it was nice to hear what all you have said. I had the blessing of having her as my vice-chair. We cut a hole in the wall so we could just go and visit each other. When I heard about what was happening with her I felt very bad and I knew I was losing someone that was very close to me. So, to the family, we regret, but we always will remember and never forget her. She was the rock.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 18. I had the pleasure of working with Jan before she was a legislator. Everything that has been said here today has been absolutely true. Jan was a fine person and a great legislator. What is going to stand out mostly, however, in my memory of Jan, was the fact she was a great lady and always a lady.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker pro Tempore. I would first like to extend my thanks and appreciation to whoever actually wrote this resolution. It certainly goes a long way in telling how those of us who were fortunate enough to know and work with Jan felt about her and her accomplishments. For those of you who did not have the honor of meeting this lady, you have heard how all of us that worked with her and knew her felt. I have to say, in my opinion, the highest goal any of us should want to reach as a legislator and a person should be doing the right things on behalf of our community as she did. She was just wonderful.

For those of us attended her services, you know of the love and memories and the things she had to go through in her life were incredible. We as a legislature and us as a body, were so fortunate to have Jan to look forward to each day. I used to watch Jan. She was just amazing to

me. Of course, I was learning like all of us do. To watch how she operated and how she was always on top of everything and was really a good person to work with was something to appreciate. I had fully expected in those days that she would end up being the first woman Speaker of the Assembly. I think if it had not been for the unfortunate circumstance that might have happened. I was wondering, if it is appropriate: are we going to hang a copy of this resolution in the halls of this building? I think it would be great for those who come after us. She was special.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 18. When I was a volunteer lobbyist, before I ran for office, I had the opportunity to come to the legislature. For the first time, I went back to the gallery and I was watching the proceedings, and I watched Jan get up and make an argument on the floor. Jan had her own style. She was a great orator. When I saw her rise and pause and make every word count, I said, "Wow. This is what I aspire to."

Then, I think Jan really made a mark for herself because of her passion for issues. It's not just that she cared about domestic violence and women and children. It was the passion to which she engaged in fines for them. I recall Jan's reaction when we had a bill last session on spanking of children. We marched out to the Women's Caucus. We started talking about the bill. Sometimes I think passion is not involved in enough of our arguments. With Jan, everything she cared about became passionate, whether it was people, whether it was issues, she was there. She was a fighter. She left her mark. If we can do anything for her today I think what she would appreciate is not this resolution, which she would be furious we are still talking about her, but to get out there and not let people forget what she fought for and to fight for the issues that she held dear.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 18. Everything which has been said about Jan Evans is true and more so. One aspect really hasn't been touched on. Jan was a builder of consensus. She knew how to talk to people and make them see the issues that she was seeing, the way she felt about them. We used to have a bi-partisan Women's Caucus as the Majority Leader mentioned. In that caucus, she gave unstinting advice, not just to women of her own party, but also to the women of the opposition party. I think that often helped to get legislation through. She exuded a feeling of family that won't ever be replaced. Thank you.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 18 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 25.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Gibbons.

Assemblywoman Koivisto requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker pro Tempore. We are honored today to be able to recognize Professor John Seinfeld. He is the 14th scientist to receive the Desert Research Institute Nevada Medal. I thank Nevada Bell for recognizing the need to support and reward national scientific achievement. I appreciate Nevada Bell's role in providing a substantial cash award and for collaborating with the Desert Research Institute to create the unique Nevada Medal. Dr. Seinfeld is highly regarded for his pioneer work, and he is widely considered responsible for establishing the field of air quality research as a true science. In 1967, while pursuing a Ph.D. in Chemical Engineering at Princeton, Professor Seinfeld joined the California Institute of Technology, where he holds the Louis H. Nohl endowed chair in California Institute of Technology's

Chemical Engineering Department. Until recently he served as the Engineering School's chairman, equivalent to a Dean in our university system. He is also a member of the National Academy of Engineering and a fellow of the American Academy of Arts and Sciences. Shortly after joining the California Institute of Technology, Professor Seinfeld began applying advanced analytical methods of the chemical industry to the description of air quality. In 1972 Professor Seinfeld introduced the first mathematical models that would allow scientists and air quality managers to simulate the chemical process of air pollution in the atmosphere. This enabled managers to try out possible solutions on computers and predict what might happen under various circumstances. This fundamental advancement in the battle for clean air gave air quality managers around the world the basic strategic tool for dealing effectively with the causes of pollution. Several of the Desert Research Institute's own senior air quality scientists, entering the field a few years behind John Seinfeld, have taken his models and applied them to new air quality tools. Dr. Seinfeld was also one of the first scientists to describe the chemical process leading to the formation of urban ozone. He has been a leading figure in scientific advances toward understanding the formation and chemistry of aerosols, the microscopic particles and droplets that are the primary chemical components in the air. He is now involved in research examining the influence of these particles in the world's climate. Yesterday afternoon, he presented the Nevada Medal lecture on that topic at the Desert Research Institute. Professor Seinfeld has published more than 400 papers and four critically acclaimed books. One of those books was considered by the University to be the basic worldwide textbook in atmospheric science, chemistry, and physics, from air pollution to climate change. We are honored to bring before the legislature one of the world's foremost environmental scientists. I express our appreciation to Professor Seinfeld for his contributions. I thank Desert Research Institute and Nevada Bell for sponsoring the Nevada Medal program and bringing Professor Seinfeld to Nevada to share his ideas.

I urge your support of the Resolution.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker pro Tempore. I rise in support of SCR 25 honoring Dr. John Seinfeld, professor, scientist, and author. I applaud his efforts in the battle—the battle for clean air; air we can breathe; air we can live in. After reading his book, "Atmospheric Chemistry and Physics: From Pollution to Climate Change," cover-to-cover, I am convinced that Dr. John Seinfeld would do justice to this body if he would investigate the pollutant problems on the fourth floor. Thank you for all you have done, and with the kidding aside we do applaud all your efforts. You have made this a safer place to live.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 5 of the 69th Session, as amended by the 70th Session.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblymen Perkins, Hettrick, Carpenter, Von Tobel, Tiffany, Collins and Buckley.

Conflict of interest declared by Assemblyman Collins.

Roll call on Assembly Bill No. 369:

YEAS—40.

NAYS—None.

NOT VOTING—Collins.

EXCUSED—Freeman.

Assembly Bill No. 369 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Heath and Robert Evans.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Chandler, Stephen Sherman, Stephanie Sherman and Catheriane Sherman.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Schofield.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Long, Edward Stacey and Mason Ross.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Wyman, Michael Feuerstein and Martin Heim.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Snyder, Audrey Snyder and Jerry Rosse, Dr. Claude K. Lardinois, Marsha Lindsey, Stephen G. Wells, John Seinfeld, Betty Seinfeld and Mylan Hawkins.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen England.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Meehan and Christopher Meehan.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Stangeland.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Harriet Trudell.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Kendelea Leascher.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Joni Kaiser.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Robert D. Fisher.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Berkley, Marci Wehry-Harper, Kathilene Daniels, Mary Catherine Wilson and Kathleen Rand.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Emmie Ahmadi, Nicole Buscher, Amber Garrity, Kristina Guadalupe, Brittany Burrridge, Joseph Nacion, Stephanie Serhan, Nick Underwood, Daniel Hedrick, R.J. Albert, Bianca DeStout, Jonathan Gentile, Kevin Horton, Joseph Macaluso, Megan Orsulak, Nick Stoffel, Justin Van Burems, Bob Albert, Denise Gentile, Randy Burrridge, Simon Serhan, Lee Underwood, Pam Hedrick, Fay Waller, Steven DeSout, Norma Guadalupe, Stephen Orsulak, Diane Underwood, Lisa Archie and Deborah Ingalls.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 29, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:11 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 29, 2001

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Almighty God, we turn in confidence to You. We know that we are not what we ought to be; and we know that we are not yet what we will be; but we thank You that we are not what we once were. For whatever progress You have made with us we give You thanks. Help us remember that they that wait upon the Lord shall renew their strength. May we wait and be made strong.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and re-refer to the Committee on Government Affairs.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 4 of the 70th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 27, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 84; Senate Bill No. 234.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 17, 18.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 27, 46, 125, 202.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 6—Provides for appointment of additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Mary G. Garcia is elected as an additional attaché of the Assembly for the 71st session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted unanimously.

By Assemblymen Gibbons, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 19—Commending former Nevada Legislator James E. Wood for his public service.

WHEREAS, James E. Wood, former Nevada Assemblyman, attended Elko County elementary and high schools; and

WHEREAS, James Wood was the owner-operator of Gray Line Scenic Tours, Inc., the Director of National Gray Line Association, the Director of Western Bus Traffic Association, and the Director and past President of Nevada Motor Transport Association; and

WHEREAS, James Wood was a member of the Reno Elks Club and a member and past President of the Rotary Club of Reno; and

WHEREAS, Elected to serve as a member of the Assembly from 1953 through 1970, James Wood served for six regular sessions and six special sessions; and

WHEREAS, During his legislative service, Nevada was transitioning from a wartime mass-production economy into a redevelopment of self-sustaining state government with quality education programs; and

WHEREAS, James Wood used his considerable expertise in the highway passenger transportation industry to help stabilize the fragile financial condition of our state and to address the several problems with the education system, among many other issues; and

WHEREAS, James Wood was the Minority Floor Leader during the 1967 Legislative session and served on many committees including Banks, Corporations and Insurance, Ways and Means, Counties and County Boundaries, Legislative Functions, Judiciary, Roads, Transportation and Aviation, Taxation, Civil Defense and Veterans' Affairs, Social Welfare, Building and Construction, State Publicity and Economic Development, Commerce, State Institutions and Libraries, and Government Affairs; and

WHEREAS, While a member of the Legislature, James Wood was instrumental in acquiring generous donations to benefit the University of Nevada, Reno, one from Wesley Elgin Travis which established a trust fund to build the Jot Travis Student Union building and one from Howard Hughes which helped establish the University of Nevada School of Medicine; and

WHEREAS, James Wood was involved in other key legislation, such as the Sales and Use Tax Act, considered to be one of the most difficult pieces of legislation, but a necessary one to relieve the strains on the economy of the state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That James E. Wood is hereby commended by the members of the 71st session of the Nevada Legislature for his many contributions to the State of Nevada and to its residents; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblyman James E. Wood.

Assemblywoman Gibbons moved the adoption of the resolution.

Remarks by Assemblymen Gibbons, Angle, Giunchigliani, Humke, Goldwater, Carpenter, Williams, Brower, Ohrenschall, Hettrick, Dini, Anderson and Price.

Assemblyman Gustavson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I am very honored and pleased to share with you this young man, Mr. Jim Wood, who was a State Assemblyman for the area I am pleased and honored to also represent. He actually served this area when I was born; that was a long time ago. It wasn't so long ago that we don't have some remembrance of him. He served as a freshman with our own Speaker pro Tempore of the Senate. A little bit of history to share with you: he served here 14 years and was here when our Speaker Emeritus was a freshman—a very young freshman; he was here after Lake County was changed to Roop County, then changed to Washoe. Thirty-seven people served in these chambers in Mr. Wood's freshman year and about a third of them, or twelve, were from Clark County.

Mr. Wood served with the first African American member of the State Assembly, Mr. Woodrow Wilson. He came into office the year after the oldest male state legislator retired, Cada Castolas Boak, who served until the age of 82. Mr. Wood served with the oldest female state legislator, Maude Frazier, who served until her retirement at 82. He served with Helen Herr, who is in the history books as having the longest service of a female legislator. He served in two special sessions. They were record breakers because they were the longest special sessions in our state's history. He served with two young freshmen legislators known as the "Gold Dust Twins," who later became U.S. Senators. He served with the former U.S. Senator Chic Hecht, Ninth Circuit Court Judge Procter Hug, former Secretary of State William Swackhamer and Judge Bill Beko.

He also served with many notables, such as Carl Dodge, Eileen Brookman, Keith Ashworth, Margie Foote, Virgil Getto, Don Mello, Ed Fike, Bart Schouweiler, Melvin Close, Mary Frazzini, Archie Pozzi, Coe Swobe, Vernon Bunker, George Von Tobel, Les Lerude and Randy Capurro.

I am honored to share with you this wonderful public servant, who kept the seat warm for me before I was born. I have been honored to use in my office his original desk and chair that we placed outside the Speaker's office today. Thank you very much, Mr. Speaker. It allows everyone to see how they did business back then. The only thing missing was a brass spittoon that used to sit by the desk in the days gone by. That is okay I guess.

I do want to share with Mr. Wood a little history. We are in the 21st Century and in this session, Mr. Wood, we have had the first African American to serve as Speaker pro Tempore, who is from Assembly District No. 6. The Assemblywoman from District No. 8 is the first woman to serve as Majority Leader. The Assemblyman from district No. 39 is the first Minority Leader to be able to do all the heavy lifting with only one arm. Thank you.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I stand in support of ACR 19. I want to thank Mr. Wood for taking such good care of my district. It seems that he knew Reno when it was small, a small town. We now have three or four or maybe even five members that have to do the same job that he did then. He was the father of enabling legislation. I was reading that he was the one that was responsible for the Centennial Coliseum. Not too many people call it that anymore. You have to be an old time Reno resident to understand that the Reno/Sparks Convention Center was built in the year of the Centennial, 1964, and was therefore named the Centennial Coliseum. It just so happens that building started out in an onion field where I played as a child. It was right in the back of my home and we played there. When they built the Coliseum, it had a huge parking lot. My dad taught me to drive there, so I have some very fond memories of that. I want to thank Mr. Wood in getting us that building and promoting Reno. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I, too, rise in support of ACR 19. I think it is rather apropos that we honor a gentleman, who I have not had the privilege of meeting, but did serve with my former Assemblywoman, Eileen Brookman. I will assure everyone that she still likes orange. I think, as a teacher, I want to say thank you, maybe rather belatedly. I was reading through your history background and it is rather ironic, we seem to be revisiting a great deal of that right now: a teacher shortage; teachers leaving the state to go work someplace else; problems with higher education funding. Through your efforts, the two percent statewide sales tax came into play to help, not only districts, but other programs much needed in the state. We are grappling with the same issues this year, so

hopefully we will apply your same insight and sensitivity to the issue when taxes are needed; that we step up to the plate if that is what we need to make a decision on. Thank you very much. It is a privilege to finally meet you from long distance.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I, too, rise in support of ACR 19. It has been my pleasure today to meet Mr. Wood. I would note for the record that he served with my friend, former Assemblyman Randy Capurro, who is still around and does visit these halls from time to time. It is nice to have this ability to touch the somewhat distant past. I would like to say a few words about some of Mr. Wood's accomplishments. He had a former boss, Wesley Elgin Travis, who had a colorful history. That individual was born in a mining camp and rose to the level of becoming a surface transportation leader. He was the person responsible for the establishment of the first transcontinental passenger bus system in the United States. As I stated, Mr. Wood formerly worked for him in his company. Mr. Travis made a donation which resulted in the trust fund, which did establish the Jot Travis Student Union building at the University of Nevada campus, which is still there and has been expanded recently and is a wonderful building for the students of that institution. Perhaps, even more importantly, is that Mr. Wood is the person who was responsible, in large part, for the establishment of the University of Nevada Medical School. During his service, he worked with Governor Laxalt. He worked somewhat behind the scenes, engaging in phone calls with the illustrious Howard Hughes essentially brokered the initial funding for the medical school. It has been so important for this state. I think we should additionally honor him for those activities. Thank you, Mr. Speaker.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. Having gone through a unique marriage situation, and it has been wonderful for me, I thought with the indulgence of the body and would rise in support of ACR 19 and, with the indulgence of the Chief Clerk, read a resolution from February 23, 1967:

“WHEREAS, It has come to the attention of the members of this body during these hectic Legislative days that our Minority Floor Leader, James E. Wood, by connivance and fortitude, and without the advantage of a handsome physiognomy—has induced one Gwen Moore to become his bride on the morrow; and

WHEREAS, Observing age-old traditions and customs in anticipation of the honeymoon days ahead, our hearty Minority Leader has requested to be excused from his Legislative endeavors on the morrow, Friday, February 24, at which time he and the beautiful Gwen will be bound together by marital ties the mutual promises of which will sustain them throughout their lives together; and

WHEREAS, The felicitations and genuine best wishes of this body can best be displayed and manifested by our open declaration contained in this document; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the very best wishes and congratulations are tendered to our noble Minority Leader upon his approaching nuptials to the charming Gwen Moore, who has so graciously lightened our burdens by her personal appearance in these chambers today.”

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of ACR 19. I note that Mr. Wood had his early education in Elko. Anyone that had done that just had to do great things. I'm sure Mr. Wood served with other cowboys from Elko, Roy Young and Norm Glaser and maybe a few others. What I think is unique about this resolution, and we should probably do it more, is that it honors those who are still alive. I just want to add my congratulations and wish you many more years.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I rise in support of ACR 19. I was one of the legislators here today who had not known Mr. Wood. One of the things that I did when I first got elected to this body

eight sessions ago, was to sit at the knee of Woodrow Wilson and talk to him about the legislature back at the time he and Mr. Wood served. Quite often, Mr. Wilson, who passed away last year, talked about the legislature in those years, speaking of individuals such as our Speaker Emeritus and other great legislators. Almost every single occasion that we had a chance to chat, Mr. Wood's name would come up. I know how fond that Woodrow Wilson was of Mr. Wood. Now that he is no longer with us, I would be remiss and pretentious, as well, not to stand in support of this resolution, supporting Mr. Wood and honoring his present community service to our State of Nevada.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. I also rise in support of ACR 19. I think Mr. Wood represented a large part of the district that I currently represent. It is great to see him here today. I simply would echo the remarks made by my colleague from Elko and appreciate the remarks from my colleague from Clark County. I thank my colleague from Reno for bringing this resolution to us today. It is good to see you here, Mr. Wood and Mrs. Wood. May you enjoy many more years together. Thank you, Mr. Speaker.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, have not had the opportunity of meeting Mr. Wood personally but I rise in support of ACR 19. For a long time I headed the legal clinic for the Westside Federal Credit Unit and this was a prize project of the late Woodrow Wilson. We used to work together for hours every evening. I heard many, many tales and reminiscences about his time in the Nevada State Legislature. He always spoke very, very highly of you. I just wanted you to know. Thank you.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I rise in support of ACR 19. I, too, don't know Mr. Wood or his wife. I welcome them here. In reading the resolution, I figured that anyone who enjoys Elko County as I do, and have property up there, who is involved in Rotary, as I am, and is the Minority Leader, he obviously has to be a great guy. So, I just wanted to rise and say that we thank you for your service and your dedication to the State of Nevada and all the people you served when you were part of this body. We welcome you here.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I must rise in support of the resolution. When I came here as a freshman in 1967 Jim was already here. He brought a different level of representation to these chambers. We started out in the old building over there where the Governor's Office is now—that's where we were then. Jim was just a hard rock Republican businessman. He brought that attitude into these chambers. I remember in 1968 there was a special session. Governor Laxalt called a special session. One of the reasons was Lake Tahoe and the other was to bring in Medicaid. At that time it was 90 percent federal money and 10 percent state money. I remember we put up \$10 million and got \$90 million from the Feds. Jim was the only person who voted against it. He gave an outstanding speech. I'll never forget it. He blasted off and he said "You guys will rue the day that you take this \$90 million from the federal government because next year it will be 80/20, and then it will 70/30." Now it is 50/50. He predicted that. He was the only person in the Assembly who voted against it. I'll never forget that speech, one of those rousing speeches, blasting the program.

He is a good man and after all these years we have kept our friendship. It has been a real privilege to know him and to see him occasionally and he looks wonderful and I hope his health continues and he comes back to visit us again.

ASSEMBLYMAN ANDERSON:

I also rise in support of ACR 19. I have had the opportunity of meeting Mr. Wood on several occasions. I'm more familiar with his son Larry, who I went to college with. The point I think that the resolution really speaks to is a lifetime of accomplishment. As a young man growing up in Washoe County I have had the opportunity of benefiting from the projects that he has supported: the Jot Travis Student Union when it was first opened; and the Centennial Coliseum,

as I still think of it, even as we talk about the RSCVA today. I think Mr. Wood is a visionary and his vision is not the least slowed down by the few years since he last sat in these seats.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. Through you and to you. It is my pleasure, although we have never met, to support ACR 19. Over the years, from different times, I have heard good stories and very fine things about Assemblyman Wood and his day. We are very fortunate to have had folks like him working and taking care of our state, ensuring it would still be here for us. It was so nice hearing the resolution about you getting married—that was great. We thank you so much for joining us today and we hope that you will join us at another time. As I was reading the very fine background that Mrs. Gibbons put together for us, it occurred to me that you would have also enjoyed Nevada's only annual session. We thank you so much for being with us today.

Resolution adopted unanimously.

Assemblywoman Gibbons moved that all rules be suspended and that Assembly Concurrent Resolution No. 19 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 27.

Assemblywoman Buckley moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 46.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 125.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 202.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 234.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 14.

Amend section 1, page 1, line 2, after “1.” by inserting: “*The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief administrative nurse who is a registered nurse and who:*

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2.”.

Amend section 1, page 1, by deleting lines 5 through 9.

Amend the title of the bill to read as follows:

“AN ACT relating to schools; requiring that nursing services in all school districts must be provided under the direction and supervision of a chief administrative nurse; prescribing the qualifications of a chief administrative nurse; revising provisions relating to nursing services provided to certain pupils; and providing other matters properly relating thereto.”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 223.

Bill read second time and ordered to third reading.

Assembly Bill No. 310.

Bill read second time and ordered to third reading.

Assembly Bill No. 344.

Bill read second time and ordered to third reading.

Assembly Bill No. 545.

Bill read second time and ordered to third reading.

Senate Bill No. 53.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Assembly Bill No. 461 be re-referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 5 of the 69th Session, as amended by the 70th Session.

Resolution read third time.

Remarks by Assemblymen Price, Freeman and Humke.

Roll call on Assembly Joint Resolution No. 5 of the 69th Session, as amended by the 70th Session.

YEAS—24.

NAYS—Angle, Beers, Brower, Brown, Buckley, Carpenter, Claborn, Gibbons, Goldwater, Gustavson, Hettrick, Leslie, Marvel, Nolan, Ocegüera, Perkins, Von Tobel—17.

EXCUSED—Arberry.

Assembly Joint Resolution No. 5 of the 69th Session, as amended by the 70th Session, having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Gary Gehrm, Terry Daisy, Bill Sjovaugeu, VIRGINIA CITY REGISTER, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 15; Senate Bills Nos. 7, 16, 29 and 37.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Downs.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to James E. Wood, Gwen Wood, Robert J. Wood, Linda Wood, Larry E. Wood, Cindy Wood, Jaclyn Wood, Jennifer Wood and Jaime Wood.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Eleanor Brown, Janet Empey, Joyce Regan, Eileen Rice and Wes Rice.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Jensen-Hill.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Barlow, Brandon Baxter, Lindsey Blei, Paul Castro, Chelsea Cheff, Adam Conway, Dylan Greene, Ryan Hoskins, Tiffany Leonard, Cameron Mayville, Chelsey Perkins, Kyle Ritter, Spencer Roberts, Mark Sinnott, Caroline Suh, Terralyn Tiffer, Chris Tomasco, Ashley Turner, Jennifer Reynolds, Brittani Maxwell, Marcia Conway, Kristin Leonard and Tina Tomasco.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to John Ponticello.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, March 30, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 30, 2001

Assembly called to order at 10:46 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Brown, Collins and Price, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Lord, You who are the way, the Truth and the Life, hear us as we pray for the truth that shall make men free. Teach us that liberty is not only to be loved but also to be lived. Make us to see that our liberty is not the right to do as we please but the opportunity to do what is right. So may Your servants, the members of this body, do what is right, that Your blessing can rest upon their work and give them a good conscience. We pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 74, 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 285, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 29, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 19; Senate Concurrent Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 114, 282.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 7:

Assemblyman Parks moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 114.

Assemblyman Parks moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 282.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 105 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 37.

Amend sec. 3, page 1, by deleting lines 9 and 10 and inserting:

“program of training for employees of each medical facility, health care facility that provides services to Medicaid patients, indigent persons or other low-income persons and”.

Amend sec. 3, page 2, between lines 2 and 3, by inserting:

“3. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 68.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 9 as sections 4 through 11 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of kidnapping, attempted murder or felony aggravated stalking, or a person authorized to act on behalf of such a victim, files with a law enforcement officer a written report concerning the offense, the period of limitation prescribed in NRS 171.085 and 171.095 is extended for 12 years.*

2. *If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.*

3. *As used in this section:*

(a) *“Felony aggravated stalking” means the crime of aggravated stalking for which the penalty prescribed is a felony.*

(b) *“Law enforcement officer” has the meaning ascribed to it in NRS 171.083.*

Sec. 2. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.083 and 171.095, and section 1 of this act, an indictment for:

1. Theft, robbery, burglary, forgery, arson or sexual assault must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than murder, theft, robbery, burglary, forgery, arson or sexual assault must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 3. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 ~~[-]~~ and section 1 of this act:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085 and 171.090 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child, as defined in NRS 432B.100, before the victim of the sexual abuse is:

(1) Twenty-one years old if he discovers or reasonably should have discovered that he was a victim of the sexual abuse by the date on which he reaches that age; or

(2) Twenty-eight years old if he does not discover and reasonably should not have discovered that he was a victim of the sexual abuse by the date on which he reaches 21 years of age.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.”

Amend sec. 2, page 3, by deleting lines 2 and 3 and inserting: “*biological specimen from a* defendant pursuant to ~~[this subsection]~~ :

(a) Subsection 3 is a charge against the county *in this state* in which the defendant was convicted ; or

(b) Subsection 4 is a charge against the county of residence of the defendant, and”.

Amend sec. 2, page 3, line 21, by deleting: “~~[-]~~ ; or” and inserting “; ~~[-]~~”.

Amend sec. 2, page 3, by deleting line 22 and inserting:

“(l) *Kidnapping pursuant to NRS 200.310 to 200.340, inclusive; or*

(m) An attempt or conspiracy to commit an offense listed in this subsection.”.

Amend sec. 5, page 7, line 21, by deleting “blood” and inserting “~~[blood]~~ genetic”.

Amend sec. 5, page 7, line 23, by deleting “blood” and inserting “~~[blood]~~ genetic”.

Amend sec. 7, page 7, line 28, by deleting “section 1” and inserting: “sections 1, 2 and 3”.

Amend sec. 8, page 7, line 33, by deleting: “2 to 5,” and inserting: “4 to 7,”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 41.

Amend section 1, pages 1 and 2, by deleting lines 13 through 18 on page 1 and lines 1 through 5 on page 2, and inserting: “*equivalent, or better.*

(b) Collateralized mortgage obligations that are rated by a nationally recognized rating service as “AAA” or its equivalent.

(c) Asset-backed securities that are rated by a nationally recognized rating service as “AAA” or its equivalent.

2. *With respect to investments purchased pursuant to paragraph (a) of subsection 1:*

(a) Such investments must not, in aggregate value, exceed 20 percent of the total portfolio as determined on the date of purchase;

(b) Not more than 25 percent of such investments may be in notes, bonds and other unconditional obligations issued by any one corporation; and

(c) If the rating of an obligation is reduced to a level that does not meet the requirements of that paragraph, the obligation must be sold as soon as possible.

3. *Subsections 1 and 2 do not.”.*

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 128.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Chapter 67 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 400,000 or more, a person who lives 65 miles or more from the justice’s court is exempt from serving as a trial juror. Whenever it appears to the satisfaction of the justice’s court, by affidavit or otherwise, that a juror lives 65 miles or more from the justice’s court, the justice’s court shall order the juror excused from all service as a trial juror, if the juror so desires.”.

Amend sec. 2, page 2, line 6, by deleting “citizens” and inserting: “[~~citizens~~] qualified electors, whether or not registered as voters.”.

Amend sec. 2, page 2, by deleting lines 8 through 11 and inserting:

“2. In a county whose population is 400,000 or more, the justice may summon to the court, from the qualified electors of the county, whether or not registered as voters, and not from the bystanders, the number of”.

Amend the bill as a whole by deleting sec. 4, renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

“Sec. 5. NRS 6.020 is hereby amended to read as follows:

6.020 1. ~~[Upon]~~ *Except as otherwise provided in subsections 2 and 3 and section 2 of this act, upon* satisfactory proof, made by affidavit or otherwise, the following-named persons, and no others, ~~[except as otherwise provided in subsections 2 and 3,]~~ are exempt from service as grand or trial jurors:

- (a) Any federal or state officer.
- (b) Any judge, justice of the peace or attorney at law.
- (c) Any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer.
- (d) Any locomotive engineer, locomotive fireman, conductor, brakeman, switchman or engine foreman.
- (e) Any officer or correctional officer employed by the department of prisons.
- (f) Any employee of the legislature or the legislative counsel bureau while the legislature is in session.
- (g) Any physician, optometrist or dentist who is licensed to practice in this state.
- (h) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

2. All persons of the age of 70 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 70 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 43.

Amend section 1, page 1, line 4, by deleting: “*prospective and existing*”.

Amend section 1, page 1, line 5, by deleting: “*can be or*”.

Amend section 1, page 1, line 6, by deleting “*the customer*” and inserting: “*or purchased for those customers*”.

Amend section 1, pages 1 and 2, by deleting lines 11 through 15 on page 1 and lines 1 through 3 on page 2, and inserting: “*that the electric utility sends to its customers; and*

(2) If the electric utility maintains a website on the Internet or its successor, if any, on that website; and”.

Amend section 1, page 2, line 19, after “*commission*” by inserting: “, *in cooperation with the division of environmental protection of the state department of conservation and natural resources,”.*

Amend section 1, page 2, by deleting lines 25 through 28 and inserting:

“(c) *Information concerning customer service.*

(d) Information concerning energy programs that provide assistance”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 197 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 290.

Bill read second time and ordered to third reading.

Assembly Bill No. 325.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 4 of the 70th Session.

Resolution read second time and ordered to third reading.

Senate Bill No. 199.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 105 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 105.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 133:

Amend sec. 4, page 2, line 20, by deleting “*intended*” and inserting “*ordinary*”.

Amend sec. 4, page 2, line 21, after “*property.*” by inserting: “*The term does not include model rockets and model rocket engines that are designed, sold and used for the purpose of propelling model rockets.*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 105 be placed on the Chief Clerk’s desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 1, 223, 310, 344, 545 and Senate Bill No. 53 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 84; Assembly Concurrent Resolutions Nos. 17, 18; Senate Concurrent Resolution No. 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Marie Shank, Brenda Steffan, Anne Marie Theuret, Nicholas Rhea, Lauren Forbus, A. J. Seeliger, Katie Fulton, Clara Bauer, Vanessa Stephens, Adam Ledbetter, Desi Seal, Christina Hale, Vanessa Lanphear, Desi Holderman, Ian Knight, Eric Rhea, Jodie Scribner, Johnny Deurmeier, Molly Conlin, Corey Bohner, Tarah Fleiner, Siobhan Mulreany, Carisa Martin, Lorina Daviton, Randy Monroe, Kelton Jensen, Layne Wigglesworth, Kevin Netcher, Dacota Cobb, Brittany Bivins, Cierra Grinsted, Adam Wilson, Larissa Works, Kelley Tolbert, Dawn Ponder, James Williams, Erik Fleiner and Shannon Brown.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Brillhart.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Carlevato, Christa Casci, Isabel Coscart, Jenna Duralde, Benjamin Ediss, Sarah Ferguson, Cassie Fillmore, Jeffrey Ludel, Noelle Magrath, Trent Simpson, Sam Staub, Jordan Tackett, Siera Trotter, Jessie Trulin, Christopher Willey, Erica Wright, Carmen Carlevato, Tonya Ediss, Cathy Ferguson, Kay Foley, Daniel Magrath, Debbie Trulin and Claudia Holler.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 2, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:19 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 2, 2001

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Heavenly Father, we thank You for this day. We thank You for this awesome country, which You have given to us to oversee and enjoy. We come now to honor You with this time of prayer, which has been set aside for us, to seek first the Kingdom of God and all of Your righteousness. Knowing when that has been done to the glory of You, Lord, all other things needed will be granted unto us through Your grace. Father, Your divine direction and guiding hand is needed, and welcomed here this day, as well as the ones to follow. We pray for godly consciences, trustworthiness, righteousness and dignity for the offices that are represented before You, here and now. Let us be reminded of the accountability that we have before Almighty God and the people of the State of Nevada, both whom we serve, through our decisions and our actions. To You, Oh Lord, be the glory and power, now and forevermore.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 36, 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Assembly Bill No. 47 be taken from the Chief Clerk's desk and be placed on the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 30, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 164, 223, 225, 272, 304.

CLAIRE J. CLIFT
Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 164.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 223.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 225.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 272.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 304.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 99.

Amend section 1, page 1, by deleting line 8 and inserting: "*aircraft:*

(1) Not less than \$100,000 for bodily injury to or death of one person in any one accident;

(2) Subject to the limit for one person, not less than \$300,000 for bodily injury to or death of two or more persons in any one accident; and

(3) Not less than \$100,000 for each occurrence of damage to property in any one accident."

Amend the title of the bill to read as follows:

"AN ACT relating to the application of pesticides; revising the amount of insurance coverage required for a license to apply pesticides; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises amount of insurance coverage required for license to apply pesticides. (BDR 49-372)".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

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

Amendment No. 100.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 4 as sections 4 through 6 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 609 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in this section, no child under the age of 16 years may be employed, permitted or required to work in any capacity, including, without limitation, as an independent contractor, in connection with the solicitation for sale or selling of any product, good or service from a vehicle or at a residence, place of business or public place, including, without limitation, a street corner, parking lot, median of a roadway, or facility for public transportation, sporting events or the performing arts.*

2. *Subsection 1 does not apply to:*

(a) *The solicitation of subscriptions for newspapers at any location or the delivery of newspapers to the residence or place of business of a subscriber.*

(b) *The solicitation for sale or selling of any product, good or service by one or more children under the age of 16 years acting solely on their own behalf.*

(c) *The employment of a child by a retail establishment at a fixed place of business in compliance with the provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.*

(d) *The employment of a child by his parent or guardian.*

(e) *The activities of a child who voluntarily and without any personal remuneration acts on behalf of:*

(1) *A nonprofit organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3);*

(2) *A public or charter school in this state; or*

(3) *A private school licensed pursuant to chapter 394 of NRS.*

This subsection does not authorize any child to be employed, permitted or required to work in violation of any prohibition imposed pursuant to any other provision of this chapter.

Sec. 3. *A person who knowingly employs, permits or requires a child to work in violation of section 2 of this act is liable, in addition to any other penalty or remedy that may be provided by law, for a civil penalty of not more than \$2,500 for each such violation, which may be recovered in a civil action brought by the labor commissioner. All money collected as civil penalties pursuant to this section must be deposited in the state general fund.”.*

Amend sec. 2, page 2, line 7, by deleting “1” and inserting “2”.

Amend sec. 2, page 2, line 11, by deleting “1” and inserting “2”.

Amend the title of the bill by deleting the second line and inserting “certain activities relating to commercial sales; providing civil and criminal penalties;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits employment of children under 16 years of age in certain activities relating to commercial sales. (BDR 53-659)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblymen Dini and Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time.

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

Amendment No. 101.

Amend sec. 3, page 2, by deleting lines 42 through 44 and inserting: “person described in ~~[subsection (b),]~~ *subparagraph (2)*, by an officer of the corporation or ~~[an authorized representative of the artificial person; or (c)]~~ *a person required to sign the annual filing; or*

(4) In the case of a trust, by each of the trustees [-] ; and”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Parnell moved that Assembly Bill No. 285 be taken from the Second Reading File and be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 318.

Bill read second time and ordered to third reading.

Assembly Bill No. 440.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 545 be taken from the General File and be placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 7—Memorializing third generation Elko County rancher and long-time Nevada Legislator, Norman D. Glaser.

WHEREAS, The members of the Nevada Assembly note with sadness the passing of long-time Nevada Legislator Norman D. Glaser on December 27, 1999; and

WHEREAS, This native Nevadan was born on April 4, 1921, to Clarence and Margaret Kathryn (Layer) Glaser; and

WHEREAS, Norman Glaser attended the “Little Red School House” in Halleck, Nevada, before graduating from Elko High School in 1939 and receiving a degree in Agricultural Engineering from Oklahoma State University in 1943; and

WHEREAS, Following his marriage to Nelda Marie Lancaster on August 7, 1943, in Oklahoma City, Norman Glaser served as an Engineering Officer for the United States Navy in the Pacific during World War II; and

WHEREAS, After completing his service with the Navy, Norman and Nelda Glaser returned to the family ranch near Elko where he went into partnership with his father and brother, Arthur, and later formed Glaser Land and Livestock Company with his brother; and

WHEREAS, Norman Glaser served as a member of the Elko County School Board before being elected to the Nevada State Assembly in 1960; and

WHEREAS, During his six terms as a State Assemblyman, Norman Glaser served as Chairman of the Assembly Committees on Ways and Means and Education, as well as others, and served as Speaker pro Tempore during the 1963 and 1965 sessions; and

WHEREAS, In 1976, Norman Glaser was elected to the Nevada State Senate, representing the Northern Nevada Senatorial District, which included Elko, Eureka, Humboldt and Lander counties; and

WHEREAS, Norman Glaser served two terms with the Nevada State Senate before retiring in 1984; and

WHEREAS, During these two Senate terms, Norman Glaser served as Chairman of the Senate Committees on Taxation and Natural Resources, as well as being a member of the Senate Finance Committee among others; and

WHEREAS, Norman Glaser was well known as a champion for rural farmers, including sponsoring the “Greenbelt Amendment” which provided a tax incentive to preserve rural farms and ranches near sprawling urban areas; and

WHEREAS, Norman Glaser also played a key role in the “Sagebrush Rebellion” attempt to claim local control over federal lands and he was a supporter of the notorious “Shovel Brigade,” the recent citizens’ rebellion over the South Canyon Road near Jarbidge; and

WHEREAS, Norman Glaser was notorious in the Nevada Legislature for livening up committee meetings by utilizing ranch-life phrases such as “We’ve rode over this ground three or four times already,” to witnesses who kept repeating themselves, and “Don’t just sit there like a tree full of owls,” to witnesses who remained silent when asked a lot of questions; and

WHEREAS, Not only was Norman Glaser a revered and well-respected Legislator, but his reputation as a rancher is evidenced by the many awards he received, including Outstanding

Young Farmer by the Nevada Jaycees, Honorary State Farmer by the Future Farmers of America, the Distinguished Agriculturist Award by the University of Nevada, Reno, and, in 1992, not only were the Glaser brothers named Nevada's Outstanding Ranchers, but Glaser Land and Livestock received the Outstanding Ranch Award; and

WHEREAS, In addition to being a successful rancher and respected Legislator, Norman Glaser also was a member and Chairman of the Nevada Tax Commission and the State Environmental Commission, served as Director of the Northeastern Nevada Historical Society, was a life member of the Veterans of Foreign Wars, was Director of the Nevada Cattlemen's Association, a member of the Rotary Club, President of the Nevada Farm Bureau, served on the Northern Nevada Community College Advisory Board and had been a Director of the Elko Senior Citizens' Center; and

WHEREAS, Norman Glaser will long be remembered as a champion for the rural farmer, a Legislator who was willing to tackle the toughest issues and a true son of the State of Nevada; and

WHEREAS, Norman Glaser is survived by his wife, Nelda, of Halleck, sons, Steven Glaser, D.D.S., and Brent Glaser, D.V.M., both of Elko, daughter, Sharon Bell of Las Vegas, four grandchildren and two great-granddaughters; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 71st session of the Nevada Legislature mourn the loss of their friend and colleague, a respected Nevada Legislator and third-generation Nevada rancher, and express their heartfelt sympathy to the family of Norman Glaser; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Nelda Glaser, beloved wife of Norman Glaser.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Marvel, Gibbons, Gustavson and Carpenter.

Assemblyman Collins requested that the following remarks be entered in the Journal:

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I had the privilege of serving with Norman in the 1967 Session, when I first got here. We were over in the old building then, where the Governor's office resides now. We served together on some committees. Actually, I had him buffaloed for several sessions because I was chairman of the Agriculture Committee in 1967—he thought I was a farmer. Little did he know I was a saloon keeper in Yerington.

One of his greatest accomplishments was the "Green Belt" law. Had he not been able to take that to the voters in this state, we probably wouldn't have much agriculture left in the State of Nevada. That has helped preserve the family-owned farms that have been a tradition all these years since we became a state and even before. My wife, Mouryne, actually should be down here speaking, because she was Norman's secretary in the 1965 Session, in the old building. We didn't have offices back then. You had to come down to the floor and dictate your letters. She was in the secretarial pool.

She got well acquainted with Norman, as his corresponding secretary in 1965. They had little stories between them because, at that time, Mouryne and her family were raising goats and kids, at the same time. So they talked about raising goats.

Norman was really a witty guy. He could whip out a line in a second. He would throw something at you and catch you off guard. Mouryne and he established a really close relationship and a friendship that lasted many, many years. In fact, Mouryne says she visited Nelda, Norman's wife, who is sitting with me. She was postmistress of Halleck. Mouryne went up there several times and visited the family and visited Nelda at the post office. So, there are some close family bindings between Mouryne and the family.

He was a good legislator. He had vision and he really exemplified what a good legislator should be. It is indeed my privilege to have served with him in this House and with him when he was in the Senate, where he served for two terms. We have lost a great Nevadan, a person that contributed immensely to our history and to the laws we operate under today. My condolences to

the family who are all here joining us today. I know my other colleagues have some things to say also. I thank you, Mr. Speaker.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I rise in support of AR 7. It is indeed a pleasure today to see so many of the Glaser family here and friends from Elko I recognize back in the gallery. I've known the Glaser family from time immemorial. I first started cowboying when I was about eleven or twelve years old. That was when I first met Norman's father.

As the resolution states, Norman truly was a Nevadan. He was involved in so many areas, so many different things. He was active in the Nevada Farm Bureau, serving as president for many years. I was president of the Nevada Cattlemen's Association and we were able to work together.

I think Norman was my senator when I was first elected in 1978. For the first four years, Norman and I always made it a point to get together and visit the many county commissions. Rural legislators know they are responsive to several county commissions, several school boards. We made a point to get around. Norman was never partisan. We were here to do a job for the State of Nevada. I think one of the things which isn't mentioned in the resolution, is Norman was instrumental in the development and building of the South Fork Dam, which is truly one of the finest recreational areas in the State of Nevada. I think that will always be a tribute to Norman's efforts—and of course all the people we have from Elko here today. It's been really great to see you here, Nelda; we are certainly going to miss Norman. It's nice that we had this tribute for such a great man.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of AR 7, in honor of this cowboy from Halleck, Nevada. I am sure he is up there just pleased as punch, "yippee kay yaying" over all of us for talking about his enormous accomplishments. So much, that he has probably gotten a brigade of shovelers up there, going after these remarks. He was a great Nevadan. His family members are all great Nevadans and I'm very pleased that this body has chosen to honor him. Thank you.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker. This may surprise a few of you, but I actually met the Glaser family back in the early 1950's. So, even though I'm from southern California myself, my father, who is with me this afternoon, was in the Navy with Norm's brother, Art. So we visited the ranch out there in Halleck many times. I got to know the Glasers somewhat as a youngster. In fact, the first time I ever fired a shotgun was on their ranch. After I picked myself up off the ground, I was taught, again, how to fire a shotgun. So, I rise in support of AR 7. Thank you, Mr. Speaker.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. It's indeed an honor to support AR 7. Norman was a great friend of mine. We were neighbors in the ranching business. For many years I purchased their cattle. Norman and Arthur's word was like gold. When you arrived at a price, that was it.

It is pretty amazing one man can do so many things in his lifetime, as this resolution says. He was always busy—always thinking, always looking for things to do.

Nelda and my wife were what they called in Elko, the "Pink Ladies." That was the Auxiliary for the hospital. I'll never forget all those pink signs Norman and I had to paint for Nelda and my wife.

The one thing I remember most about Norman is that he was a great rancher and a real conservationist. Norman and his brother were always improving the ranch. In this day and age, to go rehabilitate a meadow isn't a simple thing to do. You have to make sure you have a place for the ducks and other animals and wildlife. Norman was so proud he was able to increase the production on that ranch and still take care of the wildlife. When he was developing his land, they would buy lots of private land so they could better compete in this world that we ranchers have. It is really a great honor to have known Norman.

I'll always remember he was a real staunch democrat, probably the most conservative democrat. He would come around when we were holding these town hall meetings. Maybe there was a democrat who was running in Elko County that maybe was not too popular and didn't

have a chance. But Norman Glaser always stood up and spoke highly of the candidate. I always admired him for doing that, because it would have been very easy not to even show up. I always remember how great a man he was and how great his integrity was. He was my neighbor and one my most valued friends. Thank you, Mr. Speaker.

Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblymen Parnell, Angle and Freeman.

Roll call on Assembly Bill No. 1:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 54:

YEAS—42.

NAYS—None.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:34 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE\

SENATE CHAMBER, Carson City, April 2, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 26.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 26.

Assemblyman Brown moved the adoption of the resolution.

Remarks by Assemblymen Brown and Angle.
Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 96.

Bill read third time.

Remarks by Assemblymen Lee and Goldwater.

Conflict of interest declared by Assemblyman Goldwater.

Roll call on Assembly Bill No. 96:

YEAS—41.

NAYS—None.

NOT VOTING—Goldwater.

Assembly Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 110:

YEAS—42.

NAYS—None.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 223:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Remarks by Assemblymen Dini and Gustavson.

Roll call on Assembly Bill No. 290:

YEAS—42.

NAYS—None.

Assembly Bill No. 290 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.

Bill read third time.

Remarks by Assemblymen Dini and Collins.

Roll call on Assembly Bill No. 310:

YEAS—42.

NAYS—None.

Assembly Bill No. 310 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 325.

Bill read third time.

Remarks by Assemblymen Goldwater and Beers.

Roll call on Assembly Bill No. 325:

YEAS—42.

NAYS—None.

Assembly Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 344:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 4 of the 70th Session.

Resolution read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Joint Resolution No. 4 of the 70th Session:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 4 of the 70th Session having received a constitutional majority, Mr. Speaker declared it passed.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Senate Bill No. 53:

YEAS—42.

NAYS—None.

Senate Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 199:

YEAS—42.

NAYS—None.

Senate Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 47.

Bill read third time.

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

Amendment No. 107.

Amend sec. 3, page 3, by deleting lines 18 through 28 and inserting:

“3. If an insurer ~~{or employer}~~ intends to cancel ~~{or renew}~~ a policy of insurance issued by the insurer pursuant to chapters 616A to 617, inclusive, of NRS, the insurer ~~{or employer}~~ must give notice to that effect in writing to the ~~{administrator and to the other party}~~ employer fixing the date on which it is proposed that the cancellation ~~{or renewal}~~ becomes effective ~~{ }~~, which must be at least 30 days after the date on which the notice is personally delivered or mailed to the employer, except in the case of cancellation for failure to pay a premium when due. The notices must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the ~~{administrator and the other party}~~ employer. If the employer has secured insurance with another insurer which would cause double coverage, the cancellation must be made effective as of the effective date of the other insurance.”.

Amend sec. 3, page 3, line 29, by deleting “4.” and inserting “4.”.

Amend sec. 3, page 3, line 32, by deleting “~~{5.}~~ 4.” And inserting “5.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 19; Assembly Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Nikki Meloskie, Robert Meloskie and Lew Musgrove.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Glaser and Marilyn Glaser.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Scherer and Angela Kauffmann.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Nelda Glaser, Dr. Brent Glaser, Sharon Glaser Bell, Tom McGuire, Rose McGuire, Robert Pearce, Pat Pearce, Tom Hood, Irene Hood, Doug Smith, Calvin Johnson, Michael Johnson, Howard Johnson and Sherman Johnson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Wennhold, Matthew Tompkins, Houston Gastelum, Colton Wheat, Kiel Steffey, James Lawrence, Jesse Baxter, Tim Godecke, Connie Wennhold, Terry Lundergreen, Ann Godecke and Francesca Steffey.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Glaser and West Harradin.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 3, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:11 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), April 3, 2001

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

(Written by Rebecca Higgs)

Heavenly Father, as those representing the United States of America and the great State of Nevada gather here today in reverence of You, I ask You to bless our nation and the subjects propounded today. I thank You, Lord, for the unity You have given this people and I thank You for the privilege of living in this country, that You have established, of the people, for the people and by the people. Lord, I ask that these people would be directed, led, and used by You. Heavenly Father, that You would favor us with patience and compassion as resolutions and conclusions are made today. Lord, that You would give us Your peace and truth. Thank You for Your discernment, direction, and discretion. Please bless these assembled here who are forming our state and country, which is being watched by the world. I pray this in the Name of Jesus Christ, Father and Creator.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Commerce and Labor, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 326, 365, 650, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 631, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

April 2, 2001

THE HONORABLE RICHARD D. PERKINS, *Speaker*, State of Nevada Assembly, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER PERKINS:

In keeping with the tradition of Members of Congress addressing the Legislature, I am respectfully requesting to speak before a joint session of the Legislature on April 18, 2001 in Carson City, Nevada.

Thank you for your courtesy concerning my request. I look forward to addressing topics of interest to the citizens of the great State of Nevada.

Sincerely,
SHELLEY BERKLEY
Congresswoman

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Chowning, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Mathews, Amodei, Care, Carlton, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 20—Declaring April 3, 2001, as Equal Pay Day in Nevada.

WHEREAS, In 1999, nearly four decades after the passage of the Equal Pay Act of 1963, which requires employers to pay all employees equally for equal work, regardless of their gender, and Title VII of the Civil Rights Act of 1964, which prohibits discrimination in compensation because of race, color, religion, national origin or sex, the United States Census Bureau of the Department of Commerce estimated that women working full time still earned an overall average of only 72 cents for every dollar earned by men, while African-American women earned on average only 65 cents for every dollar earned by a Caucasian man, and while Hispanic women on average earned merely 52 cents for every dollar earned by a Caucasian man; and

WHEREAS, The disparity in compensation based on differing genders, races or national origins of employees has contributed to depressed wages for women and minorities and, although part of the wage gap results from differences in education and experience, a significant portion cannot be explained by differences in qualifications; and

WHEREAS, Educating women for better career paths, opening traditionally male jobs to women and reducing the segregation by gender found in some occupations increases earnings for women; and

WHEREAS, Eliminating such disparities in compensation raises self-respect in the workplace, strengthens the security of families and enhances retirement for hardworking citizens; and

WHEREAS, Each year, the National Committee on Pay Equity, founded in 1979, organizes the national observance of Equal Pay Day to raise awareness about unfair pay practices in America; and

WHEREAS, Tuesday, April 3, 2001, has been designated by the National Committee on Pay Equity as Equal Pay Day; and

WHEREAS, This date is significant because Tuesday is symbolic of the day of the week when women's wages catch up with men's wages from the previous week and April is the time of year when women's wages catch up with men's wages from the previous year; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Legislature of the State of Nevada do hereby declare April 3, 2001, as Equal Pay Day in Nevada; and be it further

RESOLVED, That state and local governments and private employers are urged to compensate all employees fairly, based on an objective evaluation of their jobs, considering factors such as the skill, effort, responsibility and working conditions required for each job; and be it further

RESOLVED, That public and private employers in this state that promote and support policies to ensure fairness and equity for their employees deserve to be recognized for their leadership in this effort; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Kenny Guinn, each member of the Nevada Congressional Delegation and to Linda Chavez-Thompson, the Chair of the National Committee on Pay Equity.

Assemblywoman Chowning moved the adoption of the resolution.

Remarks by Assemblymen Chowning, Giunchigliani, Gibbons, Collins, Ohrenschall, Freeman, Price and Anderson.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker and my fellow colleagues. Today is Equal Pay Day, which was designated by the National Coalition On Pay Equity. Today unequal pay is a real and persistent problem. It has been almost 40 years ago that passage of the Equal Pay Act was passed in 1963. The ban on workplace discrimination was passed in 1964. Yet today, in 2001, women and minority workers still are victims of wage discrimination. This unequal pay practice hurts our families. If the wages of women and minority workers were raised, this would increase family income and help cut poverty rates. If pay discrimination was erased, we could have an average of an increase in a family's earnings, here in Nevada, by \$3000 per year. So, today, I ask the Nevada Legislature to honor Equal Pay Day by urging employers, all employers, both public and private, to compensate all their employees fairly. I also want us to give recognition to the wonderful Nevada employers that have already adopted policies to end pay disparities in their companies for all their workers. I urge the passage of this resolution. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I, too, rise in support of ACR 20. I appreciate my colleague for bringing this to us. I don't normally speak on resolutions, but this is one that I think it's time we take a look at. The issue is

not only in salary. This session we are dealing with the issue of teacher's salary. I would submit to you that the reason those salaries are still way below professional levels, as compared to other professions, is because it is a primarily female workforce. In fact, it was not that long ago, 30 years ago, they used to pay unequal salary schedules for minorities versus Caucasians and women versus men in education. So, as we debate this issue of salaries, let's recognize that it is also a pay equity issue. In addition to that, for the women that run for political office, I think you need to realize that we still raise less than men, on the dollar, as far as our campaign contributions. So, that is another area we need to take a look at. Finally, I would remind you, there is a study in the other House, by a senator from North Las Vegas, dealing with pay equity as it regards state employees. I hope we don't forget that piece of legislation is still out there and warrants our discussion and hopefully some study.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of ACR 20. In particular, I rise in support of our future, of the young women, like the one standing next to me, who shouldn't have to worry about pay equity. So, instead of taking a bite out of crime, in the future we shall take the bite out of pay inequity.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. As the minority owner of a company of which my wife is the major holder—maybe some day she will pay me more. In the meantime, I'm going to have to keep paying my union dues and stay organized.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I speak in support of ACR 20. I was going to speak, as a woman and the mother of a daughter—but when I look at it all the way around, simply as a human being, until equality is there for all of us, it won't be there for any of us. Thank you.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of this resolution as well. One of the things that really caught my eye, when I looked at the material on our desk, is the red purse. Even an old warhorse like myself didn't recognize that this happened years ago. You can be sure in the next few days you will see me sporting a red purse.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It is with great pleasure that I rise in support of ACR 20. Those of you who have to listen to me all the time have heard some of my stories. I have been a member of the Electricians Union since 1954. I have seen the wonderful growth of women into the construction industry. I have mentioned this before but it is a fact that in the construction industry, a lot of the employers are happier having women handling their heavy equipment because they have turned out to be a lot better with the equipment. They don't hot dog around.

We have many women electricians now. I recall working with the very first one when she was an apprentice and we were at the convention center. We were working in the ceiling and we had to get to something on the other side. She walked across a beam that I was afraid to go across. I had to go around. In all sincerity, it is wonderful we can be having this celebration and this recognition today. I want to thank my colleagues for getting the resolution and having all of you here with us today.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of the resolution. As a historian, it has always amazed me that it is the women who have sacrificed for civil rights throughout the history of this country. It is they who first looked for children's rights in the workplace; it is they who first made sure that the questions of race were addressed; it was they who have moved our society forward into a more humane view. Yet, they continue to lag behind. I have to say the resolution doesn't go far enough in terms of trying to bring about what surely should be an equal question. Belonging to a profession dominated by women, I have often felt that is probably the reason why the pay inequity exists in that particular profession. It is a real shame that we have fallen to these particular questions.

Resolution adopted unanimously.

Assemblywoman Chowning moved that all rules be suspended and that Assembly Concurrent Resolution No. 20 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Anderson moved that Assembly Bill No. 105 be taken from the Chief Clerk's desk and be re-referred to the Committee on Judiciary.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 318 be taken from the General File and be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 59 be taken from the Chief Clerk's desk and be placed on the General File.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by: Legislative Counsel.

For: A New BDR to: Allow use of principal in Heil Trust fund for wild horses upon approval of Legislature or IFC without finding of emergency.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs by committees).

Has been granted effective: March 30, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS.
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 662—AN ACT relating to wild horses; revising the provisions relating to the authorization for the expenditure of money in the Heil trust fund for wild horses; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 36.

Bill read second time.

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

Amendment No. 78.

Amend section 1, page 1, by deleting lines 3 through 15 and inserting:
“administrator shall approve or deny a claim relating to health insurance coverage within 30 *calendar* days after the administrator receives the claim. If the claim is approved, the administrator shall pay the claim within 30

calendar days after it is approved. If the approved claim is not paid within that period, the administrator shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040 . ~~[unless a different rate of interest is established pursuant to an express written contract between the administrator and the provider of health care.]~~ The interest must be calculated from 30 *calendar* days after the date on which the claim is approved until the claim is paid.”.

Amend section 1, page 1, line 17, by deleting:
“*or any part thereof.*”.

Amend section 1, page 1, line 18, after “20” by inserting “*calendar*”.

Amend section 1, pages 1 and 2, by deleting lines 21 and 22 on page 1 and lines 1 through 10 on page 2, and inserting:

“the claim. *If additional information is requested from the provider of health care, the provider shall furnish the additional information within 20 calendar days after receiving the request. If the provider of health care fails to furnish the additional information within that period, the provider is not entitled to any interest payment to which he would otherwise be entitled for the late payment of a claim.* The administrator shall approve or deny the claim within ~~[30]~~ 20 *calendar* days after receiving the additional information. If the claim is approved, the administrator shall pay the claim within ~~[30]~~ 20 *calendar* days after he receives the additional information. If the approved claim is not paid within that period, the administrator shall pay interest on the claim in the manner prescribed in subsection 1 ~~[.]~~ , *except that the interest must be calculated from 20 calendar days after the date on which the additional information is received until the claim is paid.*”.

Amend section 1, page 2, lines 16 and 17, by deleting:
“~~[part]~~ a portion of a claim *or part thereof*” and inserting:
“part of a claim”.

Amend sec. 2, page 2, by deleting lines 22 through 34 and inserting:
“shall approve or deny a claim relating to a policy of health insurance within 30 *calendar* days after the insurer receives the claim. If the claim is approved, the insurer shall pay the claim within 30 *calendar* days after it is approved. If the approved claim is not paid within that period, the insurer shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040 . ~~[unless a different rate of interest is established pursuant to an express written contract between the insurer and the provider of health care.]~~ The interest must be calculated from 30 *calendar* days after the date on which the claim is approved until the claim is paid.”.

Amend sec. 2, page 2, line 36, by deleting:
“*or any part thereof.*”.

Amend sec. 2, page 2, line 37, after “20” by inserting “*calendar*”.

Amend sec. 2, pages 2 and 3, by deleting lines 39 through 48 on page 2 and lines 1 and 2 on page 3, and inserting:

“the specific reasons for the delay in approving or denying the claim. *If additional information is requested from the provider of health care, the*

provider shall furnish the additional information within 20 calendar days after receiving the request. If the provider of health care fails to furnish the additional information within that period, the provider is not entitled to any interest payment to which he would otherwise be entitled for the late payment of a claim. The insurer shall approve or deny the claim within ~~{30}~~ 20 calendar days after receiving the additional information. If the claim is approved, the insurer shall pay the claim within ~~{30}~~ 20 calendar days after it receives the additional information. If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1 ~~{-}~~, except that the interest must be calculated from 20 calendar days after the date on which the additional information is received until the claim is paid.”.

Amend sec. 2, page 3, lines 8 and 9, by deleting:

~~“{part} a portion of a claim or part thereof”~~ and inserting:

“part of a claim”.

Amend sec. 3, page 3, by deleting lines 14 through 26 and inserting:

“shall approve or deny a claim relating to a policy of group health insurance or blanket insurance within 30 *calendar* days after the insurer receives the claim. If the claim is approved, the insurer shall pay the claim within 30 *calendar* days after it is approved. If the approved claim is not paid within that period, the insurer shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040 . ~~{unless a different rate of interest is established pursuant to an express written contract between the insurer and the provider of health care.}~~ The interest must be calculated from 30 *calendar* days after the date on which the claim is approved until the claim is paid.”.

Amend sec. 3, page 3, line 28, by deleting:

~~“or any part thereof.”.~~

Amend sec. 3, page 3, line 29, after “20” by inserting “*calendar*”.

Amend sec. 3, page 3, by deleting lines 31 through 42 and inserting:

“the specific reasons for the delay in approving or denying the claim. If additional information is requested from the provider of health care, the provider shall furnish the additional information within 20 calendar days after receiving the request. If the provider of health care fails to furnish the additional information within that period, the provider is not entitled to any interest payment to which he would otherwise be entitled for the late payment of a claim. The insurer shall approve or deny the claim within ~~{30}~~ 20 calendar days after receiving the additional information. If the claim is approved, the insurer shall pay the claim within ~~{30}~~ 20 calendar days after it receives the additional information. If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1 ~~{-}~~, except that the interest must be calculated from 20 calendar days after the date on which the additional information is received until the claim is paid.”.

Amend sec. 3, page 3, lines 48 and 49, by deleting:

~~“{part} a portion of a claim or part thereof”~~ and inserting: “part of a claim”.

Amend sec. 4, page 4, by deleting lines 6 through 18 and inserting:
“purchasing group shall approve or deny a claim relating to a policy of health insurance within 30 *calendar* days after the carrier receives the claim. If the claim is approved, the carrier shall pay the claim within 30 *calendar* days after it is approved. If the approved claim is not paid within that period, the carrier shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040 . ~~[unless a different rate of interest is established pursuant to an express written contract between the carrier and the provider of health care.]~~ The interest must be calculated from 30 *calendar* days after the date on which the claim is approved until the claim is paid.”.

Amend sec. 4, page 4, line 20, by deleting:
“or any part thereof.”.

Amend sec. 4, page 4, line 21, after “20” by inserting “*calendar*”.

Amend sec. 4, page 4, by deleting lines 23 through 34 and inserting:
“specific reasons for the delay in approving or denying the claim. *If additional information is requested from the provider of health care, the provider shall furnish the additional information within 20 calendar days after receiving the request. If the provider of health care fails to furnish the additional information within that period, the provider is not entitled to any interest payment to which he would otherwise be entitled for the late payment of a claim.* The carrier shall approve or deny the claim within ~~[30]~~ 20 *calendar* days after receiving the additional information. If the claim is approved, the carrier shall pay the claim within ~~[30]~~ 20 *calendar* days after it receives the additional information. If the approved claim is not paid within that period, the carrier shall pay interest on the claim in the manner prescribed in subsection 1 ~~[]~~ , *except that the interest must be calculated from 20 calendar days after the date on which the additional information is received until the claim is paid.*”.

Amend sec. 4, page 4, lines 40 and 41, by deleting:
“~~[part]~~ a portion of a claim or part thereof” and inserting:
“part of a claim”.

Amend sec. 5, pages 4 and 5, by deleting lines 46 through 49 on page 4 and lines 1 through 9 on page 5, and inserting:
“shall approve or deny a claim relating to a certificate of health insurance within 30 *calendar* days after the society receives the claim. If the claim is approved, the society shall pay the claim within 30 *calendar* days after it is approved. If the approved claim is not paid within that period, the society shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040 . ~~[unless a different rate of interest is established pursuant to an express written contract between the society and the provider of health care.]~~ The interest must be calculated from 30 *calendar* days after the date on which the claim is approved until the claim is paid.”.

Amend sec. 5, page 5, line 11, by deleting:
“or any part thereof.”.

Amend sec. 5, page 5, line 12, after “20” by inserting “*calendar*”.

Amend sec. 5, page 5, by deleting lines 14 through 25 and inserting:

“the specific reasons for the delay in approving or denying the claim. If additional information is requested from the provider of health care, the provider shall furnish the additional information within 20 calendar days after receiving the request. If the provider of health care fails to furnish the additional information within that period, the provider is not entitled to any interest payment to which he would otherwise be entitled for the late payment of a claim. The society shall approve or deny the claim within ~~{30}~~ 20 calendar days after receiving the additional information. If the claim is approved, the society shall pay the claim within ~~{30}~~ 20 calendar days after it receives the additional information. If the approved claim is not paid within that period, the society shall pay interest on the claim in the manner prescribed in subsection 1 ~~{-}~~, except that the interest must be calculated from 20 calendar days after the date on which the additional information is received until the claim is paid.”.

Amend sec. 5, page 5, lines 31 and 32, by deleting:

“~~part~~ a portion of a claim or part thereof” and inserting:
“part of a claim”.

Amend sec. 6, pages 5 and 6, by deleting lines 38 through 48 on page 5 and lines 1 and 2 on page 6, and inserting: *“claim relating to a contract for dental, hospital or medical services within 30 calendar days after the corporation receives the claim. If the claim is approved, the corporation shall pay the claim within 30 calendar days after it is approved. If the approved claim is not paid within that period, the corporation shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040 . ~~{unless a different rate of interest is established pursuant to an express written contract between the corporation and the provider of health care.}~~ The interest must be calculated from 30 calendar days after the date on which the claim is approved until the claim is paid.”.*

Amend sec. 6, page 6, line 4, by deleting:

“or any part thereof.”.

Amend sec. 6, page 6, line 5, after “20” by inserting “calendar”.

Amend sec. 6, page 6, by deleting lines 8 through 19 and inserting: *“in approving or denying the claim. If additional information is requested from the provider of dental, hospital or medical services, the provider shall furnish the additional information within 20 calendar days after receiving the request. If the provider of dental, hospital or medical services fails to furnish the additional information within that period, the provider is not entitled to any interest payment to which he would otherwise be entitled for the late payment of a claim. The corporation shall approve or deny the claim within ~~{30}~~ 20 calendar days after receiving the additional information. If the claim is approved, the corporation shall pay the claim within ~~{30}~~ 20 calendar days after it receives the additional information. If the approved claim is not paid within that period, the corporation shall pay interest on the claim in the manner prescribed in subsection 1 ~~{-}~~, except that the interest*

must be calculated from 20 calendar days after the date on which the additional information is received until the claim is paid.”.

Amend sec. 6, page 6, lines 25 and 26, by deleting:

~~“[part] a portion of a claim or part thereof”~~ and inserting:
“part of a claim”.

Amend sec. 7, page 6, by deleting lines 31 through 44 and inserting:

“maintenance organization shall approve or deny a claim relating to a health care plan within 30 *calendar* days after the health maintenance organization receives the claim. If the claim is approved, the health maintenance organization shall pay the claim within 30 *calendar* days after it is approved. If the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040 . ~~[unless a different rate of interest is established pursuant to an express written contract between the corporation and the provider of health care.]~~ The interest must be calculated from 30 *calendar* days after the date on which the claim is approved until the claim is paid.”.

Amend sec. 7, page 6, lines 46 and 47, by deleting:

~~“or any part thereof.”.~~

Amend sec. 7, page 6, line 48, after “20” by inserting “*calendar*”.

Amend sec. 7, page 7, line 1, by deleting “claim” and inserting “claim.”.

Amend sec. 7, page 7, by deleting lines 2 through 14 and inserting: “*If additional information is requested from the provider of health care services, the provider shall furnish the additional information within 20 calendar days after receiving the request. If the provider of health care services fails to furnish the additional information within that period, the provider is not entitled to any interest payment to which he would otherwise be entitled for the late payment of a claim. The health maintenance organization shall approve or deny the claim within ~~[30]~~ 20 calendar days after receiving the additional information. If the claim is approved, the health maintenance organization shall pay the claim within ~~[30]~~ 20 calendar days after it receives the additional information. If the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim in the manner prescribed in subsection 1 ~~[1]~~ , except that the interest must be calculated from 20 calendar days after the date on which the additional information is received until the claim is paid.”.*

Amend sec. 7, page 7, lines 21 and 22, by deleting:

~~“[part] a portion of a claim or part thereof”~~ and inserting:
“part of a claim”.

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec.7, to read as follows:

“Sec. 8. The amendatory provisions of this act apply only to contracts entered into, amended, extended or renewed after the effective date of this act.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 103.

Amend section 1, page 1, line 4, by deleting “*Agrees*” and inserting: “*Has entered into a written agreement*”.

Amend section 1, page 1, line 6, by deleting “*not*” and inserting: “*not, except as otherwise provided in this paragraph or another specific statute,*”.

Amend section 1, page 1, line 7, by deleting “*the health*” and inserting: “*the particular health*”.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: “*reimbursement from the insurer. This paragraph does not prohibit a practitioner or health facility from collecting or seeking to collect from a patient:*

(1) Any copayment, deductible or coinsurance required by the insurer of the patient; or

(2) Any amount of the payment or reimbursement the practitioner or health facility agreed to accept from the insurer of the patient which, as the result of the failure of the patient to obtain any preauthorization or to take any other action required by the insurer, the insurer is not obligated to provide.”.

Amend section 1, page 1, line 11, by deleting: “*Does not agree*” and inserting:

“*Has not entered into a written agreement*”.

Amend section 1, page 1, by deleting lines 18 and 19 and inserting:

“(b) “*Insurer*” means any person or state or local governmental entity that, pursuant to any written agreement, pays or”.

Amend sec. 2, page 2, line 5, by deleting “*insurers*” and inserting: “*health care plans*”.

Amend sec. 2, page 2, line 6, after “*services.*” by inserting: “*The legislative auditor may specify and limit the particular billing records to be included in the audit.*”.

Amend sec. 2, page 2, between lines 21 and 22, by inserting:

“5. The University Medical Center of Southern Nevada shall, within 6 months after the period for the submission of plans pursuant to paragraph (c) of subsection 1 of NRS 218.8235, submit to the legislative auditor a report specifying the extent to which the recommendations of the legislative auditor have been carried out, the extent to which the recommendations have not

been carried out and the reasons for any failure to carry out the recommendations.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. 1. Upon the request of the legislative auditor, the University Medical Center of Southern Nevada shall transfer to the audit division of the legislative counsel bureau the sum of \$25,000 to carry out the provisions of section 2 of this act.

2. Any remaining balance of the sum transferred pursuant to subsection 1 must not be committed for expenditure after June 30, 2003, and must be transferred to the University Medical Center of Southern Nevada as soon as all payments of money committed have been made.”.

Amend sec. 3, page 2, line 23, by deleting “\$15,000” and inserting “\$25,000”.

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

“Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.”.

Amend sec. 4, page 2, line 29, by deleting “section 3” and inserting: “sections 3, 4 and 5”.

Amend sec. 4, page 2, by deleting line 31 and inserting:

“2. Section 2 of this act becomes effective on July 1, 2001.

3. Section 1 of this act becomes effective on October 1, 2001.”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Assemblywoman Koivisto moved that upon return from the printer Assembly Bill No. 52 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 97.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

The driver of a vehicle shall yield the right of way to a bus or other vehicle used to provide public mass transportation which is traveling in the same

direction and which has properly signaled and is reentering the flow of traffic from a turnout lane for such buses or other vehicles.

Sec. 2. NRS 484.3765 is hereby amended to read as follows:

484.3765 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484.361 or 484.366.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484.278.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484.297.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484.305.

(4) Following another vehicle too closely in violation of NRS 484.307.

(5) Failing to yield the right of way in violation of any provision of NRS 484.315 to 484.323, inclusive ~~and~~, *and section 1 of this act.*

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor. In addition to any other penalty:

(a) For the first offense within 2 years, the court shall order the driver to attend, at his own expense, a course of traffic safety approved by the department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

4. To determine whether the provisions of paragraph (a) or (b) of subsection 3 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

5. If the driver is already the subject of any other order suspending or revoking his driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

6. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court

shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the department.

7. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the department shall cancel three demerit points from his driving record in accordance with NRS 483.475, unless the driver would not otherwise be entitled to have those demerit points canceled pursuant to the provisions of that section.

8. This section does not preclude the suspension or revocation of the driver's license of the driver pursuant to any other provision of law.”.

Amend section 1, page 1, line 2, by deleting “A” and inserting: “[A] *Except as otherwise provided in subsection 2, a*”.

Amend section 1, page 1, line 2, by deleting “A” and inserting: “[A] *Except as otherwise provided in subsection 2, a*”.

Amend section 1, page 1, by deleting lines 7 through 13 and inserting:

“(a) Single tires, 20,000 pounds; or

(b) Dual tires, 25,000 pounds.”.

Amend section 1, page 1, line 14, after “2.” by inserting: “*A vehicle with a maximum weight on a single axle with single tires of more than 20,000 pounds but not more than 29,000 pounds that is used by a regional transportation commission or its contractor to provide public mass transportation as part of a demonstration project may be operated or moved upon a public highway, other than a highway within the designated interstate system, if the tires are not less than 20 inches in width and the department of transportation, after conducting an evaluation of the vehicle:*

(a) *Determines that such operation or movement of the vehicle is in the best interest of the department; and*

(b) *In its discretion, issues a permit authorizing such operation or movement of the vehicle.*

3.”.

Amend the title of the bill to read as follows:

“AN ACT relating to vehicles; requiring the driver of a vehicle under certain circumstances to yield the right of way to buses and other vehicles used to provide public mass transportation; providing for the issuance under certain circumstances of a permit authorizing the operation or movement of certain heavier vehicles used to provide public mass transportation; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning vehicles used to provide public mass transportation. (BDR 43-1020)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywomen Chowning and Giunchigliani.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblyman Mortensen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblywoman Chowning moved that upon return from the printer Assembly Bill No. 83 be placed on the Chief Clerk's desk.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 27.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 27.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblymen Leslie, Anderson, Chowning, Gibbons and Williams.

Assemblyman Williams requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker. The resolution is very eloquent about why we are here today to honor Mrs. Bertha Woodard. She was a true heroine in leading the civil rights movement in Nevada and a very kind woman, known for her generosity and spiritual grounding and conviction. She was a woman of great courage. Her leadership is especially noteworthy when taken in the historical context you have heard about in the resolution, at a time when Reno was known as the "Mississippi of the West." I've discussed the great personal risk she took with my teenager, who can not imagine the situations Mrs. Woodard protested. Imagine the only restaurant in Hawthorne, located in a casino, that did not allow persons of color to eat there; or the signs in Reno stores that read "No Indians, Negroes or dogs." How about the general ban on allowing minorities into our Reno casinos as recently as 1959? I was born then. Unless they were entertainers, they couldn't enter.

Mrs. Woodard was known as the matriarch of the Reno/Sparks chapter of the NAACP. Many of our leaders from the African-American community routinely went to her house, to consult Mrs. Woodard before moving forward with any protest, program or picket line. I worked at the Community Services Agency in the early 1980's and I met Mrs. Woodard and she was always ready to talk to me: a young Caucasian know-nothing woman working in the heart of northeast Reno. Many times I needed to find the executive director, Cloyde Phillips, when something was happening in northeast Reno. Always I was told, "He's down the street visiting Mrs. Woodard."

Her legacy will live on through a comprehensive history of the civil rights movement in Nevada being compiled by students from UNR and other leaders of the African-American community. In behalf of the Assembly, I urge your support of this resolution to express our condolences to her family and, indeed, to the entire community concerned with justice and

liberty in our state. She was our guiding light and we must continue to heed her spirit in the years ahead. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of SCR 27. Mrs. Woodard's contribution to my community can not be underestimated. My first teaching assignment was a school in Reno that had, what was considered to be, a large minority population. The pride that the students took from the example set by Mrs. Woodard is an example I will always remember. Her courage in fostering black pride in an age when it was just barely becoming fashionable to be in that group. Her leadership in stating to the community that you had to treat everyone on an equal basis is one I think we can all take great pride in. It demonstrated her fairness in action, her view towards humanity, that no one should be left behind. Her leadership is something all of us can salute. My condolences to her family and friends for this great loss to us all.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I stand in support of SCR 27. I would like to share with the family that when I was going to college in the 1960's, I was ashamed persons of color were not able to stay in the motels and hotels. Even the entertainers could not. Yes, they could enter, but they were not allowed to stay there. They were allowed to entertain and bring joy to everyone, but they were not allowed to spend the night there. I was very ashamed of that time and glad to have seen the change with the civil rights movement. I thank the family and thank Mrs. Woodard even though I did not know her personally. I thank her for her grace and dignity and for paving the way for equal treatment for all. Thank you.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of SCR 27 in honor of Mrs. Bertha Woodard's life. The African proverb says, "Each time an elder passes, a library dies." With the passing of Mrs. Woodard, let us not forget the pain and suffering she endured in her young life. Let us not forget how people can react and discriminate. And now, of course, we see it in many other ways, even today. Let us remember to always be aware and not allow for any type of discrimination in our lives. Let us do it in memory of Bertha Woodard. Let us do it in the memory of her ancestors who never saw the benefit of freedom or the privilege of living a free life, such as going to public schools with other children or even being able to vote. Many served their country and fought in war and never came home, knowing they would never be free. So, let us not forget those sacrifices that she lived through and the people before her lived through. Thank you.

ASSEMBLYMAN WILLIAMS:

I rise in support of SCR 27. We honor many people in Nevada who deserve it. Some we know and some we don't. Today I have the thrilling pleasure to say I had a chance to meet Bertha Woodard and to know her, as many people have in Nevada. Mr. Speaker, in 1985 I made a trip to Carson City at the request of then governor Richard Bryan, as he established the first Martin Luther King holiday. I had a chance to meet one of our former colleagues, Courtney Swain. It was sort of a setup, I think; I found out later. We had lunch during that meeting and Ms. Swain took me across the street to the Ormsby House and we were joined by a gentleman who I later became to know as Bob Sader.

At that time, it appeared the democrats were actively seeking candidates to run for the Legislature. I was here for a King meeting and had no idea what the Legislature was about. They talked to me about possibly running as a candidate for the Legislature and I had no interest.

The setup continued even more so. They put me in a car and drove me to the home of Bertha Woodard. When I met this lady, I could see the obvious dignity and courage. She said, "It appears you have done some community service and may have something to give. I think you need to listen to these people." As a result, I guess the rest is history. We talk about what happens when a person dies. I think in this particular case, when this person died, many of us really began to live. Mr. Speaker, I urge my colleagues to support the resolution.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 149.

Bill read second time.

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

Amendment No. 102.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 610.095 is hereby amended to read as follows:

610.095 The state apprenticeship council shall:

1. Register and approve or reject proposed programs and standards for apprenticeship.

2. After *providing* notice and a hearing and for good cause shown, *deny an application for approval of a program*, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation ~~[-]~~ *for any violation of the provisions of this Title as specified in regulations adopted by the state apprenticeship council.*

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations by the state apprenticeship council to carry out the provisions of section 1 of this act and on January 1, 2002, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to apprenticeships; requiring the state apprenticeship council to deny an application for approval or to suspend, terminate, cancel, place conditions upon or place on probation an approved program of apprenticeship based upon certain violations specified by regulations adopted by the council; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing duty of state apprenticeship council to deny application for approval or suspend, terminate, cancel or place conditions upon approved program of apprenticeship. (BDR 53-1056)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

Amend section 1, page 1, line 3, by deleting “*In*” and inserting: “*Except as otherwise provided in subsection 2, in*”.

Amend section 1, page 1, line 7, after “*providing*” by inserting: “*pro bono programs and of providing*”.

Amend section 1, page 1, line 10, by deleting “receive” and inserting “receives”.

Amend section 1, page 2, line 3, after “2.” by inserting: “*A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:*

(a) *A motion filed solely to adjust the amount of support for a child set forth in a final order; or*

(b) *A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.*

3.”.

Amend section 1, page 2, line 9, by deleting “3.” and inserting “4.”.

Amend sec. 2, page 2, line 19, after “providing” by inserting: “*pro bono programs and of providing*”.

Amend the title of the bill, third line, after “providing” by inserting: “pro bono programs and of providing”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes board of county commissioners to impose additional fee for filing certain actions and responses thereto in district courts and justices’ courts to offset costs of providing pro bono programs and of providing legal services without charge to abused or neglected children, victims of domestic violence and other needy persons. (BDR 2-298)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 114.

Amend sec. 9, page 4, by deleting lines 18 and 19 and inserting:

“(1) *The notification of the parent, guardian or custodian of the runaway or homeless youth concerning the whereabouts of the runaway or homeless youth as soon as practicable, except in*”.

Amend sec. 9, page 4, line 22, by deleting “a” and inserting “the”.

Amend sec. 9, page 4, line 29, after “(f)” by inserting: “*Require an approved youth shelter to return or facilitate the return of a runaway or homeless youth to the parent, guardian or custodian who was notified of the whereabouts of the runaway or homeless youth pursuant to subparagraph (1) of paragraph (e) if the parent, guardian or custodian so requests.*

(g)”.

Amend sec. 9, page 4, line 31, by deleting “a” and inserting “the”.

Amend sec. 9, page 4, line 34, by deleting “(g)” and inserting “(h)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time and ordered to third reading.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 89.

Amend sec. 66, page 29, line 47, by deleting “division” and inserting “[division]”.

Amend sec. 68, page 30, after line 23, by inserting:

“6. *Except as otherwise provided in regulations adopted by the division, care is voluntarily provided to a minor child who is:*

(a) *Related to the caretaker by blood, adoption or marriage; and*

(b) *Not in the custody of an agency which provides child welfare services.”.*

Amend sec. 69, page 30, by deleting lines 31 and 32 and inserting: “*the amount to be paid to each of them from the money distributed to the agency which provides child welfare services pursuant to NRS 432.040, certified*”.

Amend the bill as a whole by adding a new section designated sec. 74.5, following sec. 74, to read as follows:

“Sec. 74.5. NRS 432.031 is hereby amended to read as follows:

432.031 1. The department of human resources, through the division, shall act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the state to aid in the furtherance of any services and activities for child welfare.

2. If the Congress of the United States passes any law increasing the participation of the Federal Government in a Nevada program for child welfare, either as relates to eligibility for assistance or otherwise, the director of the department of human resources is authorized to accept, with the approval of the governor, the increased benefits of that legislation. The division may adopt such standards as are required by the Congress of the United States as a condition to the acceptance of those benefits.

3. *An agency which provides child welfare services in a county whose population is 100,000 or more shall enter into such agreements with the division as are necessary to maximize the amount of money that this state may obtain from the Federal Government for the provision of child welfare services throughout this state.”.*

Amend sec. 81, page 34, line 36, by inserting “1.” before “The”.

Amend sec. 81, page 34, line 45, by deleting “1.” and inserting “(a)”.

Amend sec. 81, page 34, line 47, by deleting “2.” and inserting “(b)”.

Amend sec. 81, page 35, line 1, by deleting “3.” and inserting “(c)”.

Amend sec. 81, page 35, after line 2, by inserting:

"2. An agency which provides child welfare services in a county whose population is 100,000 or more shall account separately for the money that is distributed to that agency pursuant to this section."

Amend sec. 82, page 35, lines 4 and 5, by deleting: "pursuant to the provisions of NRS 432.040" and inserting: "~~["pursuant to the provisions of NRS 432.040"]~~ for the expenses of providing special services and maintenance pursuant to NRS 432.010 to 432.085, inclusive,".

Amend sec. 82, page 35, line 13, by deleting "88" and inserting "81".

Amend sec. 85, page 36, lines 21 and 22, by deleting: "*in the county treasury.*" and inserting: "*by the board of county commissioners.*".

Amend sec. 86, page 37, lines 4 and 5, by deleting: "*in the county treasury*".

Amend sec. 130, page 58, line 7, after "*employed*" by inserting: "*by an agency which provides child welfare services in a county whose population is 100,000 or more*".

Amend sec. 130, page 58, line 17, by deleting: "~~["July 1, 1988,"]~~ September 1, 2002," and inserting: "July 1, 1988,".

Amend sec. 130, page 58, after line 20, by inserting:

"5. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030."

Amend the bill as a whole by adding a new section designated sec. 131.5, following sec. 131, to read as follows:

"Sec. 131.5. Section 3 of chapter 508, Statutes of Nevada 1999, at page 2612, is hereby amended to read as follows:

Sec. 3. This act becomes effective on July 1, 1999, and expires by limitation on June 30, ~~[2001,]~~ 2003."

Amend sec. 134, page 60, line 2, by deleting "thereto:" and inserting: "thereto to the contrary:".

Amend sec. 134, page 60, by deleting lines 11 through 14.

Amend sec. 134, page 60, line 15, by deleting "3." and inserting "2."

Amend sec. 134, page 60, line 18, after "employment" by inserting: "in a comparable position".

Amend sec. 134, page 60, line 20, by deleting "4." and inserting "3."

Amend sec. 134, page 60, line 22, by deleting "3" and inserting "2".

Amend sec. 134, page 60, line 26, by deleting "3." and inserting "2."

Amend sec. 134, page 60, by deleting lines 31 through 44 and inserting: "paragraph; or

(b) Receive payment for his unused sick leave, exclusive of any unused sick leave accrued but not carried forward, as of the effective date of the abolishment of his position, according to his number of years of public service, except service with a political subdivision of the state, as follows:

- (1) For less than 10 years of service, not more than \$1,500.
- (2) For 10 years of service or more but less than 15 years, not more than \$2,500.
- (3) For 15 years of service or more but less than 20 years, not more than \$4,000.
- (4) For 20 years of service or more but less than 25 years, not more than \$6,000.
- (5) For 25 years of service or more, not more than \$8,000.

If the payment provided pursuant to this paragraph does not compensate the employee fully for the unused sick leave that the employee has accrued and carried forward, the remaining balance of the employee's unused sick leave must be transferred to his sick leave account with the agency with which he accepted employment pursuant to subsection 2. If sick leave is transferred to the employee's sick leave account with the county agency pursuant to this paragraph, the employee may only use that sick leave after he has exhausted the sick leave that he accrues at the county agency. The employee may not receive any payment for sick leave that is transferred pursuant to this paragraph."

Amend sec. 134, page 60, line 45, by deleting "5." and inserting "4."

Amend sec. 134, page 60, line 47, by deleting "3" and inserting "2".

Amend sec. 134, page 61, line 5, by deleting "6." and inserting "5."

Amend sec. 134, page 61, line 7, after "classified" by inserting "and continued".

Amend sec. 134, page 61, by deleting line 9 and inserting: "subsection 2. Persons hired by the county agency on or after October 1, 2001, in the capacity of social worker, supervisor of social work or administrator of social work must be licensed pursuant to chapter 641B of NRS."

Amend sec. 134, page 61, line 10, by deleting "7." and inserting "6."

Amend sec. 134, page 61, line 13, by deleting "3" and inserting "2".

Amend sec. 134, page 61, line 20, by deleting "3" and inserting "2".

Amend sec. 134, page 61, line 25, by deleting "8." and inserting "7."

Amend sec. 134, page 61, line 27, by deleting "3" and inserting "2".

Amend sec. 134, page 61, by deleting lines 30 through 32 and inserting: "(a) Must be in a range of salary such that the employee will not experience any reduction in his annual net salary.

(b) Must be adjusted to include any merit increase that the employee would have been eligible to receive within the 1-year period after his acceptance of an offer pursuant to subsection 2 if the employee had remained employed by the division of child and family services of the department of human resources. Such an increase must not commence until the date on which the employee would have received the merit increase if the employee had remained employed by the division of child and family services."

Amend sec. 134, page 61, line 33, by deleting "(b)" and inserting "(c)".

Amend sec. 134, page 61, line 35, by deleting "3" and inserting "2".

Amend sec. 134, page 61, line 39, by deleting “(c)” and inserting “(d)”.

Amend sec. 134, page 61, by deleting lines 43 through 49 and inserting:

“8. Notwithstanding any provision of the law, county ordinance or collective bargaining agreement entered into pursuant to chapter 288 of NRS to the contrary, an agency which provides child welfare services in a county whose population is 100,000 or more shall pay to the public employees’ benefits program the premiums or contributions for each employee of the division of child and family services of the department of human resources who:

(a) Accepts an offer of employment made pursuant to subsection 2 by the agency; and

(b) Participated in the public employees’ benefits program, from the date on which the position of the employee was abolished until the employee is eligible for coverage for health benefits by the county agency. The coverage of the employee under the public employees’ benefits program must be continuous until his coverage for health benefits commences with the county agency.”.

Amend sec. 134, page 62, line 1, by deleting “10.” and inserting “9.”.

Amend sec. 134, page 62, line 6, by deleting “3” and inserting “2”.

Amend sec. 134, page 62, after line 6, by inserting:

“10. Notwithstanding any provision of the law, county ordinance or collective bargaining agreement entered into pursuant to chapter 288 of NRS to the contrary, an employee of the division of child and family services of the department of human resources who accepts an offer of employment made pursuant to subsection 2 is entitled to the same rights as a county employee in the case of a layoff at the county agency. For the purposes of a layoff at the county agency, the number of years of state service of such an employee of the division of child and family services must be considered in addition to his years of service with the county agency.”.

Amend the bill as a whole by adding a new section designated sec. 134.5, following sec. 134, to read as follows:

“Sec. 134.5. Notwithstanding any provision of chapter 284 of NRS or any regulations adopted pursuant thereto to the contrary, an employee of the division of child and family services of the department of human resources whose position is or will be abolished may request that his name be placed on the appropriate reemployment list before or after his position is abolished and is entitled to all related rights and privileges as if he had been laid off on the date on which his position was abolished.”.

Amend sec. 135, page 62, line 10, by deleting “400,000” and inserting “100,000”.

Amend sec. 136, page 62, by deleting lines 17 through 24 and inserting:

“Sec. 136. 1. This section and sections 131.5, 134.5 and 137 of this act become effective upon passage and approval.

2. Sections 35 to 41, inclusive, of this act become effective on July 1, 2001.

3. Sections 1 to 34, inclusive, 42 to 130, inclusive, 132, 133, 134 and 135 of this act become effective on October 1, 2001.

4. Sections 35 to 41, inclusive, and 126 of this act expire by limitation on June 30, 2005.

5. Section 130 of this act expires by limitation on January 1, 2005.

6. Section 131 of this act becomes effective on July 1, 2005.”.

Amend the preamble of the bill, pages 1 and 2, by deleting lines 1 through 21 on page 1 and lines 1 through 11 on page 2, and inserting:

“WHEREAS, Under the current child welfare system in this state, a child residing in a county whose population is 100,000 or more who is in need of protective custody services is initially under the supervision of the county; and

WHEREAS, If such a child is unable to return safely to the home of his parents and will remain in out-of-home care for more than 6 months, custody of the child is typically transferred to the Division of Child and Family Services of the Department of Human Resources; and

WHEREAS, After being transferred from to the Division of Child and Family Services, a child and his parents are typically assigned a new case manager, the child is placed in a new foster home that is willing to accept the foster care rates paid by the Division and the child is transferred to a new therapist who is a Medicaid provider; and

WHEREAS, Under this bifurcated system, the transfer of custody to the Division of Child and Family Services may result in a delay of up to 6 months in the commencement of a permanent plan for the care and treatment of a child and may cause the child to remain in the system for a longer period; and

WHEREAS, The Federal Adoption and Safe Families Act of 1997 requires the agency which provides child welfare services to pursue termination of parental rights for any child who remains in out-of-home care for 15 months out of the immediately preceding 22 months; and

WHEREAS, The interruption of services to children and families caused by the bifurcated system places parents at risk of having their parental rights terminated unjustly; and

WHEREAS, The bifurcated system also creates disparities in the rates of reimbursement for providers of foster care and the compensation paid to employees of the county and the state; and

WHEREAS, The duplication of efforts inherent in a bifurcated system is inefficient; and

WHEREAS, Integration of the child welfare system in this state will begin to eliminate the inefficiencies of the current system by reducing the number of placements of children in foster homes, decreasing the length of time that children remain in out-of-home care and ensuring that children are placed in permanent homes as soon as possible; and

WHEREAS, Caseload standards must be established by regulation to ensure that agencies which provide child welfare services have sufficient

staff to provide best practices for the provision of child welfare services in this state; and

WHEREAS, The rates for foster care reimbursement should be established at a level that enables a provider of foster care to care for a child adequately and the rates should be standardized within each county and structured in a manner that avoids any unnecessary interruptions in foster home placements because of changing levels of reimbursements; and

WHEREAS, Fairness to employees affected by the integration of the child welfare system is a priority; and

WHEREAS, The Division of Child and Family Services and counties whose population is 100,000 or more have a shared fiscal responsibility for the costs of providing child welfare services and must be committed to ensuring future maintenance of their efforts in providing those services and to equitably sharing future costs for providing those services; and

WHEREAS, Integration of the child welfare system in this state will allow the placement of children in a child welfare system that is adequately funded and structured to avoid unnecessary interruptions in placement and will ensure that permanency is achieved for children in accordance with federal and state laws; now, therefore,".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Assemblywoman Buckley moved that upon return from the printer Assembly Bill No. 343 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 396.

Bill read second time and ordered to third reading.

Assembly Bill No. 400.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 30:

YEAS—42.

NAYS—None.

Assembly Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 47.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 47:

YEAS—42.

NAYS—None.

Assembly Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 74:

YEAS—42.

NAYS—None.

Assembly Bill No. 74 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblymen Dini and Carpenter.

Roll call on Assembly Bill No. 154:

YEAS—42.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Roll call on Assembly Bill No. 440:

YEAS—42.

NAYS—None.

Assembly Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 59.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 59:

YEAS—41.

NAYS—Perkins.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was re-referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOSEPH E. DINI, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 28.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 28.

Assemblywoman Tiffany moved the adoption of the resolution.

Remarks by Assemblymen Tiffany and Carpenter.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN TIFFANY:

Thank you, Mr. Speaker. Stan Fuke has been in the field of education for nearly four decades. He has been a teacher, a librarian, a library administrator and he has been employed by the Clark County School District since 1976. Stan is a vocal voice for public school libraries and librarians. He is also a leader in the promotion of technology for the administration of the libraries and for the information resources they contain. Stan Fuke has helped rejuvenate the Library Science program at UNLV, as well as establishing a good working relationship with the public libraries. In 1995, Stan received the James McPhee Memorial Intellectual Freedom reward, presented by the Clark County School Librarians Association. This reward is given only for the recognition of the dedication to the cause of preserving freedom of expression and inquiry. In 1997, Stan Fuke was inducted into the Clark County School District's Hall of Fame. This honor recognizes people who have made extraordinary and lasting contributions to the education in the community.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I want to stand in support of SCR 28. When I was a county commissioner, I felt that one of my greatest responsibilities was to make sure the county libraries were funded and funded properly. Out in the rural areas, we have what they call "bookmobiles." The bookmobile is a big bus with a lot of books on it. They go around and visit all the cowboys and miners and the people out there who do not get a chance to have the latest in literature. I want to congratulate our honored guest for all his hard work in the library field and hopefully, we will all continue to read good books. Thank you.

Resolution adopted unanimously.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 5:06 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker announced that the Assembly would recess for the purpose of hearing an address by Ray Smith, National Commander of the American Legion.

Assembly in recess at 5:08 p.m.

ASSEMBLY IN SESSION

At 5:23 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Mayer, Jim Lutches and Linda Weber.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Barker.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Cummings.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to M. Paul Workman and Debbie Dixon.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan McCoy.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Walters.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Nolan W. Lloyd and Jeanette Moore.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Stahl.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Jensen, Janice Duminie, Barbara Drake and Guy Rocha.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie McGuire.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Pete Goicoechea and Jon Sprague.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Zdunich and Linda Wilson.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Julia Doren and Sally Kinsey.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Kayla Cothrun.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Dixon.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Lee and Chelly Goldwater.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Kenneston.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Keri Putnam.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Daphne Cruikshanks.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Dunn.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Vladimir Zorin, Irina Zorina Pearson and Randolph Carlton Wright.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Dalton, Jerry Holloway, Keith Johnson, Lonnie L. Feemster, Mark Tiar and Frankie Lukasko.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Alice McGee.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mercedes MacPherson.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Gordon.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Thompson and Jo Thompson.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Baldino.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Bridgett Bergan, Alicia Kingsley, Ashley Manke, Zachary Vannucci, Cisco Scarcella, Bryce Taylor, Audry Taylor, Josh Peacock, Jennifer Carson, Beth Hinton, Gabrielle Hinton, Miranda Moore, Jordan Leguerica, Briar Timmons, Chase Yeager, Megan Harrill, Devin Harrill, Amanda Osborne, Bryan Blanchard, Kurt Andersen, Eric McDaniel, Matt McDaniel, Cody McDaniel, Samantha Hilke, Philip Lee, Wesley Lee, Reina Lee, Lisa Shores, Sara Shores, Darrell Hughes, Paul Murphy, Juliana Gabica, Patricia Wentworth, Claudia Alvarado, Lauren Curry, L.J. Fauls, Linda Fezueroa, Andy Fisk, April Githens, Erich Glass, Josh Griening, Javier Gutierrez, Christian Guzman, Ed Harper, Rachelle Hernandez, Cheyenna Kochamp, Angie Koontz, Pam Lopez, Didier Moguel, Juan Monnroy, Rafael Osegura, Tyler Pruitt, Larry Reagan, Lacie Rogers, Kim Shell, Morgan Soukup, Naomi Stevens, Cherin Tewonema, James Vaughn, Nathan Via, Adrian Santillan, Lucas Allen, Chris Barrett, Savanna Burns, Jarred Cherry, Matthew Cole, Jason Conn, Clinton Darguea, Katie Doyle, Megan Duncan, Idalia Enriquez, Briget Gimarez, Angela Guastella, Jarrod Harvey, Brandy Hines, Christy Hyde, Brian Karopetian, Shane Maddox, Shawn McGinnis, Marlon Moncada, Sean Moore, Jesse Nicholson, Josh Peck, K.C. Pierson, Dustin Redus, Sarah Scanlon, Ashley Selbach, Rhiannon Sherman, David Taylor, Jamie Thornley, Crystal Trujello, Reneé Wilson, Estelle Wungnema, Brianne Young, Janet Bachman and Cory King.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Fay.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Pennell.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Small, Eileen Horn, Stanley Fuke and Laurie Porter.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Felton Thomas.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 5, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:24 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), April 5, 2001

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hettrick, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Almighty God, enlighten us today with Your full understanding of the words which You spoke to King Solomon recorded in Second Chronicles 7:14. The Lord said, "If My people, who are called by My name, shall humble themselves and pray and seek My face and turn from their wicked ways; then I will hear from heaven and will forgive their sin and will heal their land." Heavenly Father, we humbly call out to You today and seek Your face and ask that You would magnify Your ways through this Assembly. May all the decisions that will be required of them this day glorify Your name. Lord, we also pray that as we turn from ways not of You, that You forgive us and heal our land. We ask this in the name of Jesus Christ our Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 44, 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 26, 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 20; Senate Concurrent Resolution No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 203, 222; Senate Joint Resolution No. 20 of the 70th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 60, 74, 75, 248, 251.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 144, 299, 312, 334, 401; Senate Joint Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 228.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 17.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

By Assemblymen Marvel, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 8—Memorializing former Assemblywoman Louise Aloys Smith.

WHEREAS, The members of the Nevada Assembly were saddened to learn of the loss of former Assemblywoman Louise Aloys Smith on May 12, 1999; and

WHEREAS, Louise Aloys Smith was a native Nevadan, born in Lovelock on July 29, 1917, to Dr. Eugene Kneeland Smith and Kathleen O’Sullivan Smith; and

WHEREAS, Louise enlisted in the Women’s Army Corps in 1943, achieving the rank of sergeant and serving as a recruiter and as a rehabilitation counselor in military hospitals until her honorable discharge in 1946, and was honored with the World War II Victory Medal, Good Conduct Medal and American Campaign Medal; and

WHEREAS, Elected in 1949 as Assemblywoman from Pershing County, Louise served on eight standing committees, including Veterans Affairs, Legislative Functions, Social Welfare, State Library and State Publicity; and

WHEREAS, Leadership positions at that time were awarded to women mainly for ceremonial purposes, however, following her reelection in 1951, Louise had the honor of being the first woman to be elected as Speaker pro Tempore of the Assembly by her fellow assemblymen; and

WHEREAS, After retiring from Sierra Pacific Power Company following 30 years of dedicated employment, Louise remained active in many organizations in her community, including the Pink Ladies Hospital Auxiliary, American Legion Auxiliary, Veterans of Foreign Wars Ladies Auxiliary, Lovelock Study Club and Beta Sigma Phi, an international women’s social, cultural and service organization; and

WHEREAS, Continuing her lifelong love of music, with a magnificent soprano voice cultivated through operatic training as a student in the San Francisco Bay area, Louise performed at weddings, funerals, and other community and church events, as well as serving as a choir director; and

WHEREAS, As the co-founder of the Desert Little Theater, Louise acted in the capacity of performer and director in more than a decade of performances by the amateur theater group; and

WHEREAS, Committed to the importance of reading and literacy in her community, Louise served as a member on the Board of Trustees of the Pershing County Library, volunteered her time with the adult literacy and children’s story-telling programs, and was instrumental in obtaining funding for a new library building; and

WHEREAS, In 1988, Louise Aloys Smith was awarded the Woman of the Year Award, given annually in Reno to a Nevada woman with a lifetime of community service and achievement; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 71st session of the Nevada Legislature offer their heartfelt condolences to the family and friends of Louise Aloys Smith; and be it further

RESOLVED, That Louise Aloys Smith will long be remembered for her dedication to her community and this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly transmit a copy of this resolution to Louise Aloys Smith’s long-time friend, Leola Armstrong.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblyman Marvel.

Resolution adopted unanimously.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 9—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Loretta Rose White is elected as an additional attaché of the Assembly for the 71st session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted unanimously.

Assemblyman Bache moved that Assembly Bill No. 180 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Joint Resolution No. 20 of the 70th Session.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Taxation.

Motion carried.

Senate Concurrent Resolution No. 17.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Concurrent Resolution No. 18.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 60.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 74.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 75.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 144.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 203.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 222.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 228.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 248.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 251.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 299.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 312.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 334.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 401.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Assembly Bill No. 152 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that the action whereby Senate Joint Resolution No. 7 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Joint Resolution No. 7 be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and re-refer to the Committee on Taxation.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Joint Resolution No. 11 be re-referred to the Committee on Taxation.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 30.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 29.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 30.

Assemblyman Neighbors moved the adoption of the resolution.

Remarks by Assemblyman Neighbors.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 143.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

“The department shall adopt regulations authorizing the holder of a class A noncommercial driver’s license to drive any combination of vehicles not exceeding 70 feet in length with a gross combination weight rating of 26,000 pounds or less so long as the gross combination weight rating of the towed vehicles does not exceed the gross vehicle weight rating of the towing vehicle.”.

Amend the bill as a whole by adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

“Sec. 4. 1. The department shall adopt the regulations, required by section 1 of this act on or before July 1, 2002.

2. Before the effective date of the regulations, the holder of a class A noncommercial driver’s license may drive any combination of vehicles not exceeding 70 feet in length with a gross combination weight rating of 26,000 pounds or less so long as the gross combination weight rating of the towed vehicles does not exceed the gross vehicle weight rating of the towing vehicle.

Sec. 5. This act becomes effective upon passage and approval.”.

Amend the title of the bill by deleting the second and third lines and inserting: “adopt regulations governing the driving of certain combinations of

vehicles by persons who hold certain noncommercial driver's licenses; temporarily authorizing the driving of such combinations of vehicles by such persons; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing driving of certain combinations of vehicles. (BDR 43-292)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.

Bill read second time.

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

Amendment No. 146.

Amend section 1, page 1, line 2, by deleting “6,” and inserting “6.5,”.

Amend sec. 2, page 1, line 4, by deleting “6,” and inserting “6.5,”.

Amend sec. 6, page 2, by deleting line 8 and inserting: “*of a business which is not a criminal suspect that are relevant to an investigation of insurance fraud*”.

Amend sec. 6, page 2, line 13, by deleting “6,” and inserting “6.5,”.

Amend sec. 6, page 2, lines 15 and 19, by deleting “*a person*” and inserting “*the business*”.

Amend sec. 6, page 2, lines 24, 26, 28 and 31, by deleting “*person*” and inserting “*business*”.

Amend sec. 6, page 2, line 33, by deleting “*he*” and inserting “*the business*”.

Amend sec. 6, page 2, line 34, by deleting “*person.*” and inserting “*business.*”.

Amend sec. 6, page 2, line 36, by deleting “*person*” and inserting “*business*”.

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

“Sec. 6.5. 1. *All records and other information related to an investigation conducted by the attorney general and the fraud control unit for the prosecution of insurance fraud are confidential unless:*

(a) *The attorney general releases, in such manner as he deems appropriate, all or any part of the records or information for public inspection after determining that the release of the records or information:*

(1) *Will not harm the investigation or the person who is being investigated; or*

(2) *Serves the interests of a policyholder, the shareholders of the insurer or the public; or*

(b) *A court orders the release of the records or information after determining that the production of the records or information will not damage any investigation being conducted by the fraud control unit.*

2. *The attorney general may classify as confidential specific records and other information if the records or other information was obtained from a governmental agency or other source upon the express condition that the contents would remain confidential.*

3. *All information and documents in the possession of the attorney general and the fraud control unit that are related to cases or matters under investigation are confidential for the duration of the investigation and may not be made public unless the attorney general finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event he may make a record public or publish all or any part of the record in any manner he deems appropriate.”.*

Amend sec. 7, page 2, line 47, by deleting “6,” and inserting “6.5.”.

Amend sec. 9, page 3, by deleting lines 29 through 36 and inserting:

“679B.157 ~~[Am]~~ Any person, governmental entity, insurer, employee or representative of an insurer, official of an investigative or law enforcement agency, employee of the division , ~~[or]~~ the commissioner , *the attorney general or a member of the fraud control unit* is not subject to a criminal penalty or subject to civil liability for libel, slander or any similar cause of action in tort if he, without malice, discloses information on a fraudulent claim or suspicious fire.”.

Amend the bill as a whole by deleting sections 10 through 12 and inserting:

“Secs. 10-12. (Deleted by amendment.)”.

Amend sec. 17, page 6, line 30, after “2.” by inserting: “*Any money received by the attorney general pursuant to paragraph (b) of subsection 1 must be accounted for separately and used to pay the expenses of the fraud control unit for insurance established pursuant to section 27 of this act, and is hereby authorized for expenditure for that purpose. The money in the account does not revert to the state general fund at the end of any fiscal year and must be carried forward to the next fiscal year.*

3.”.

Amend sec. 19, pages 6 and 7, by deleting lines 48 and 49 on page 6 and lines 1 through 3 on page 7, and inserting:

“686A.283 1. Any person, governmental entity, insurer or authorized representative of an insurer ~~[, who believes, or has reason to believe, that a fraudulent claim for benefits under a policy of insurance has been made, or is about to be made]~~ shall report any information concerning ~~[that claim]~~ *insurance fraud* to the”.

Amend sec. 20, page 7, lines 27 and 29, by deleting “or” and inserting “and”.

Amend sec. 27, page 11, line 14, by deleting “6,” and inserting “6.5.”

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 119.

Amend section 1, page 1, by deleting line 11 and inserting: “[~~shall pay~~] is liable for a civil penalty, to be recovered by the attorney general in the name of the health division, of not more than \$5,000 for each day of the”.

Amend the title of the bill, first line, by deleting:

“expanding the grounds for” and inserting: “revising the provisions governing”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing imposition of civil penalties and administrative fines to enforce certain provisions governing public water systems. (BDR 40-397)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 217.

Bill read second time and ordered to third reading.

Assembly Bill No. 326.

Bill read second time and ordered to third reading.

Assembly Bill No. 365.

Bill read second time and ordered to third reading.

Assembly Bill No. 380.

Bill read second time and ordered to third reading.

Assembly Bill No. 433.

Bill read second time and ordered to third reading.

Assembly Bill No. 481.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 168.

Amend section 1, page 2, between lines 3 and 4, by inserting:

“(d) A vehicle that is used as part of a licensed business which operates a sound amplification system to advertise the business.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 631.

Bill read second time and ordered to third reading.

Assembly Bill No. 650.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 36:

YEAS—41.

NAYS—None.

EXCUSED—Hettrick.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 149.

Bill read third time.

Remarks by Assemblywoman Smith.

Potential conflict of interest declared by Assemblywoman Smith.

Roll call on Assembly Bill No. 149:

YEAS—41.

NAYS—None.

EXCUSED—Hettrick.

Assembly Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblymen Anderson, Gustavson, Buckley and Humke.

Conflicts of interest declared by Assemblymen Buckley and Humke.

Roll call on Assembly Bill No. 239:

YEAS—37.

NAYS—Angle, Gustavson—2.

NOT VOTING—Buckley, Humke—2.

EXCUSED—Hettrick.

Assembly Bill No. 239 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 264.

Bill read third time.

Remarks by Assemblymen Buckley, Parks, Ohrenschall, Tiffany, Cegavske, Collins, Manendo and Chowning.

Potential conflict of interest declared by Assemblymen Parks, Ohrenschall, Cegavske, Perkins and Manendo.

Roll call on Assembly Bill No. 264:

YEAS—41.

NAYS—None.

EXCUSED—Hettrick.

Assembly Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 305.

Bill read third time.

Remarks by Assemblymen Cegavske and Giunchigliani.

Roll call on Assembly Bill No. 305:

YEAS—41.

NAYS—None.

EXCUSED—Hettrick.

Assembly Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Remarks by Assemblymen Brown and Gibbons.

Roll call on Assembly Bill No. 396:

YEAS—41.

NAYS—None.

EXCUSED—Hettrick.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 400.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Assembly Bill No. 400:

YEAS—41.

NAYS—None.

EXCUSED—Hettrick.

Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 180.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 180:

YEAS—40.

NAYS—Collins.

EXCUSED—Hettrick.

Assembly Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 7; Senate Bills Nos. 53, 59 and 199; Senate Concurrent Resolutions Nos. 26, 27, 28.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Vildibill, James Mason, Marshall Roberson, Peter Falger and Michael R. Mader.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Maslach.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Jack McClary.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Kae Pohe and Elizabeth Pohe.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Marshal Clanton and Russ Clanton.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Harvey Pinkerton and Frank McGowan.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to C.J. Hadley, Barbara Raven, Marilyn Cervantes, Leola Armstrong, Gwen Bogh-Carter and Jeanie Munk.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Sandhya Bhakta,

Ciera Cammarata, Allison Dow, Crystal Gilbert, Tana Gurule, Amanda Holland, Delicia Jernigan, Denise Koscinski, Sidney Orndorff, Emily Wilson, David Gelmstedt and Donna Webster.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Campos, Matthew Cervantes, Joseph Corner, Ernesto Cortez, Daniel Deitz, Brandon Hales-Watkins, Jared Helget, Shane Higgins, Justin McDougall, Aaron Molter, Manuel Rosas, Brian Smith, Jeramy Tronson, Brett Valley, Melissa Arrington, Tatum Boehnke, Lupe Cruzaley, Chloe Debacco, Jessica Dosch, Ramona Franklin, Cassandra Gonzales, Maggie Jesse, Alyssa Ketchum, Juel Kuckenmeister, Lisa Liu, Maria Nava, Tiffany O'Day, Kailey Taylor, Valeri Wilson, Melissa Allen, Brian Ardinger, Kyle Bailey, Sean Beard, Zachary Bibee, Tyler Brown, Krysten Burke, Mallory Down, Alex Fink, Mary Franklin, Bryan Fulkerson, Brandi House, Amy Howard, Julia Lapham, Jessica Llamas, William Moncada, Ryan Northway, Elisabeth Rodriguez, Rachel Rohrer, Jeremy Thompson, Adam Young, Michael Spence, Nik Woodburn, Manuel Villarreal, David Bond, Amber Hildreth, Jessica Sundquist, Michelle Simpson, Oscar Salazar and Angie Bowman.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Dick Efthimiou, Lt. Colonel Lyle Wilkes and Donna Moore.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Downer.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 6, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:45 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON

Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 6, 2001

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Hettrick, Mortenson and Tiffany.

Prayer by the Chaplain, Pastor Patrick Propster.

The Lord declares in Jeremiah 29:11-13: "For I know the plans that I have for you, plans for welfare and not for calamity to give you a future and a hope. Then you will call upon Me and come and pray to Me, and I will listen to you. And you will seek Me and find me, when you search for Me with all of your heart." Lord, may Your plans for us be the same. Grant these that gather here today Your divine wisdom and direction. Give them clarity of vision for the prosperity of this state. May they be the examples of our hopeful future, which is in Your hands. We ask this in Your Sovereign and Holy Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 659, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 374, 378, 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 318, 406.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 34, 70, 87, 93, 100, 124, 172, 179, 281, 286, 336.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 34.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 70.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 87.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 93.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 100.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 124.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 172.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 179.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 281.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 286.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 318.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 336.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 406.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time and ordered to third reading.

Assembly Bill No. 44.

Bill read second time.

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

Amendment No. 61.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 3, line 1, by deleting “30” and inserting “7”.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 7 as sections 3 through 5.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; revising the provisions governing maintenance of files of claims at the office of an insurer; requiring insurers, organizations for managed care and certain employers to notify an injured employee if a medical bill submitted on his behalf is denied and that the injured employee has a right to appeal the denial; and providing other matters properly relating thereto.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Dini moved that upon return from the printer Assembly Bill No. 44 be placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 48.

Bill read second time.

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

Amendment No. 62.

Amend sec. 3, page 2, line 7, by deleting: "*of the employer*".

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 201.

Amend section 1, page 2, between lines 25 and 26, by inserting:

"The Nevada High School Rodeo Association or its successor may grant a portion of the proceeds it receives pursuant to this subsection to one or more high school rodeo associations established in this state for the support of those associations."

Amend sec. 2, page 3, line 15, by deleting "vehicle privilege" and inserting "governmental services".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 125.

Amend sec. 2, page 1, line 15, by deleting "*Indian*" and inserting "*native American*".

Amend sec. 2, page 2, lines 2, 10 and 23, by deleting "*Indian*" and inserting "*native American*".

Amend sec. 3, page 2, by deleting line 35 and inserting:

“(a) At least one person who is a member of a native American tribe in this state and who is appointed from a list of nominees from the Inter-Tribal Council of Nevada, Inc.;”.

Amend sec. 3, page 2, line 40, by deleting “resources; and” and inserting “resources;”.

Amend sec. 3, page 2, line 42, after “(f)” by inserting: “At least one person who is a representative of the mining industry;

(g) At least one person who is actively engaged in ranching; and

(h)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Assemblyman de Braga moved that upon return from the printer Assembly Bill No. 230 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 154.

Amend sec. 3, page 1, by deleting lines 17 through 19 and inserting:

“(e) Not more than four members from private industry appointed by the governor who are experts in the field of information technology and are residents of this state.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 367 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 394.

Bill read second time and ordered to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 156.

Amend sec. 4, page 4, line 10, by deleting “Carlin Township” and inserting: “incorporated City of Carlin”.

Amend sec. 4, page 4, line 17, by deleting “*Carlin Township*,” and inserting: “*City of Carlin*,”.

Amend sec. 4, page 4, line 18, by deleting “*Carlin Township*” and inserting: “*City of Carlin*”.

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 441.

Bill read second time and ordered to third reading.

Assembly Bill No. 534.

Bill read second time and ordered to third reading.

Assembly Bill No. 580.

Bill read second time and ordered to third reading.

Assembly Bill No. 587.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 6:

YEAS—37.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 200:

YEAS—37.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 200 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 217:

YEAS—37.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblymen Goldwater and Von Tobel.

Roll call on Assembly Bill No. 326:

YEAS—34.

NAYS—Angle, Gustavson, Von Tobel—3.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblymen Smith and Bache.

Roll call on Assembly Bill No. 365:

YEAS—37.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 266 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblymen Bache, Dini, Angle, Williams and Giunchigliani.

Potential conflict of interest declared by Assemblymen Anderson, Bache, Giunchigliani and Parnell.

Roll call on Assembly Bill No. 380:

YEAS—35.

NAYS—Angle, Gustavson—2.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 433.

Bill read third time.

Remarks by Assemblymen Neighbors and Goldwater.

Roll call on Assembly Bill No. 433:

YEAS—37.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Remarks by Assemblymen Chowning, Von Tobel and Bache.

Roll call on Assembly Bill No. 481:

YEAS—24.

NAYS—Arberry, Bache, Beers, Brower, Buckley, Dini, Giunchigliani, Goldwater, Leslie, Manendo, Neighbors, Smith, Williams—13.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 631.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Dini.

Roll call on Assembly Bill No. 631:

YEAS—37.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany—5.

Assembly Bill No. 631 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 650.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 650:

YEAS—36.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany, Williams—6.

Assembly Bill No. 650 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Assembly Joint Resolution No. 1:

YEAS—36.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany, Williams—6.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 266.

Bill read third time.

Remarks by Assemblymen Arberry, Koivisto, Smith, Humke, Gustavson, Bache and Buckley.

Potential conflict of interest declared by Assemblymen Koivisto, Smith and Humke.

Roll call on Assembly Bill No. 266:

YEAS—36.

NAYS—None.

EXCUSED—Berman, Carpenter, Hettrick, Mortenson, Tiffany, Williams—6.

Assembly Bill No. 266 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Bennett.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Phyllis Henderson.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Mae Malatesta.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Taylor, Jane Ham and Arlene Wilson.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Johnson and Nate Lommori.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Devin Katsimbras and Alisha Katsimbras.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Hillyer, Rene Childs, Rachel Clingan, Shane Thacker and Joan Westover.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Stephen McFarland, Rick Pawkowski, Lenelle McAlpin, Gary Scrimpsner, Michelle McCoy Kennedy, James Bennett, Patricia Puchert, John Howe, Elizabeth Howe, Loran Logan, Christopher Logan, Betty Peters, Robert Bledsaw, Chester Buchanon, Lady Joy Lawson, Pat Lantz, Sue Cobbs, Patricia Keough, Lynda Allen, Dorothy Headrick, J.J. McDonald, Paula McDonald, Larry Pizorno, Sharon Pizorno, William Glenn, Helen Glenn, Bettylu Hopkins, William Brainard, Marilyn Brainard, Don Mitchell, Katrina Bledsaw, Robert Bledsaw and Danielle Bledsaw.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Maslach, Bobbi Hommel and Deborah Westcoatt.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Robert Daugherty, Dawn Serafin, Sharon Cruz, Kim Roepke, Dian Vanderwell, Carol Dial, Dick Dial, Wyatt Roepke, Ethan Roepke, Joshua Root, Chris Spiteri, Steven Ferrari, Kristal Dodge, Eric Kuzemchak, Naomi Johnson, Kindel Vanderwell, Devyn Gruhn, Candace Jones, Brianne Roepke, Megan Cheek, Melissa Darrow, Jeff Williams, Nick Bailey, Rita Vannoy, Courtney Williams, Jonathan Oldham, Jeanette Salles, Zharayah Bennett, Jennifer Rheffing, Jessica Rheffing, Devin Shaw, Brandon Anderson, Corajoy Sutton, Warren S. Anderson, Robbie Heckman, Daniel Loftis, Brittany Neely, Terra Neely, Emily Lovato, Joshua Loftis, Marylee Neeley, Robby Bradshaw, Zanaan Bennett, Chelsea Bosworth, A.J. Roepke and Kyla Holt.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 9, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:26 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 9, 2001

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Richard Campbell.

Mighty God, the earth is Yours and all that is in it: the beasts of the field, the birds of the air and the fish of the sea. You have made us temporary custodians of Your creation. We thank You for Your trust. Judge and forgive us when we turn away from You. Deliver us from brassy patriotism and a blind trust in power; from deceptions that weaken trust; from self-seeking; from divisions of class and race; from wealth that will not share and from poverty that feeds on bitterness; from overlooking the hurt and the needy. Eternal God, give us a glimpse of the world You would have for us and the courage and strength to strive for it. Be with us and bless this legislative body as they deliberate today. Hear our prayer as we give it in Your Holy Name and to Your glory.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 203, 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Commerce and Labor, to which was referred Assembly Bill No. 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 87, 93, 293, 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 646, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 580 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

NOTICE OF EXEMPTION

April 8, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 21, 272, 342, 374, 600, 603, 606, 608, 611, 612, 614 and 615.

Mark Stevens
Fiscal Analysis Division

April 9, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 398 and 635.

Mark Stevens
Fiscal Analysis Division

COMMUNICATIONS

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

MEMORANDUM

DATE: April 9, 2001

TO: JACQUE SNEDDON, *Chief Clerk of the Assembly*, Nevada LegislatureFROM: MARK STEVENS, *Assembly Fiscal Analyst*, Fiscal Analyst Division

SUBJECT: Exempt Bills

The Fiscal Analysis Division has previously determined, pursuant to Joint Standing Rule 14.6, the exemption of the following bills. The exemption is effective upon referral of the measures to the Assembly Committee on Ways and Means. If the following bills are not acted upon by a committee on or before the 71st calendar day of the Legislative Session, and referred to the Committee on Ways and Means on or before the 82nd calendar day of the Legislative Session, they are not exempt and no further action may be taken on the bill.

These bills include: Assembly Bills Nos. 15, 19, 53, 80, 124, 141, 166, 178, 184, 188, 196, 206, 214, 221, 222, 224, 241, 250, 297, 313, 319, 330, 335, 354, 356, 398, 403, 404, 405, 409, 411, 416, 420, 424, 426, 448, 450, 453, 474, and 635.

If I can provide further assistance, please contact me.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 6, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 65, 347, 517.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 112, 236.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 36.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 65.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Taxation and Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 112.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 236.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 347.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 517.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 104.

Amend section 1, page 1, line 2, by deleting:

“2 and 3” and inserting:

“2, 3 and 4”.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. *As used in this section and sections 3 and 4 of this act, unless the context otherwise requires, “qualifying relative” means a person specified in 45 C.F.R. § 233.90(c)(1)(v)(A).*”.

Amend sec. 2, page 1, by deleting lines 5 and 6 and inserting:

“provide supportive assistance to qualifying relatives of children who provide care for and”.

Amend sec. 2, page 1, line 11, by deleting “grandparent” and inserting “qualifying relative”.

Amend sec. 2, page 1, line 15, by deleting “grandparent” and inserting “qualifying relative”.

Amend sec. 2, page 1, by deleting line 17 and inserting:

“(2) Have attained such a minimum age as the department specifies by regulation;

(3) Verify his relationship to the child; and”.

Amend sec. 2, page 2, line 1, by deleting “(3)” and inserting “(4)”.

Amend sec. 2, page 2, line 2, after “court;” by inserting “and”.

Amend sec. 2, page 2, by deleting lines 3 through 16 and inserting:

“(c) The department must determine that the personal and criminal history of the qualifying relative is satisfactory.”.

Amend sec. 2, page 2, by deleting line 18 and inserting:

“include, within the limitations of available funding:”.

Amend sec. 2, page 2, line 20, by deleting “grandparent” and inserting “qualifying relative”.

Amend sec. 2, page 2, by deleting line 21 and inserting:

“(b) Payments of not more than the amount that the ”.

Amend sec. 2, page 2, line 26, after “care;” by inserting “and”.

Amend sec. 2, page 2, by deleting line 28.

Amend sec. 3, page 2, line 33, by deleting “2” and inserting “3”.

Amend sec. 4, page 2, line 47, by deleting:

“2 and 3” and inserting:

“2, 3 and 4”.

Amend sec. 4, page 3, line 4, by deleting:

“2 and 3” and inserting:

“2, 3 and 4”.

Amend the bill as a whole by deleting sec. 5.

Amend the title of the bill, third line, by deleting “their grandchildren;” and inserting: “certain children;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires establishment of program to provide supportive assistance to certain persons who obtain legal guardianship of certain children. (BDR 38-368)”.

Amend the bill as a whole by adding the following senator as a primary joint sponsor: Senator Mathews.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 105.

Amend section 1, page 2, line 5, after “*subparagraph (1).*” by inserting: “*To qualify for inclusion on the list, a real estate broker must maintain an office within the county where the school district is located.*”.

Amend section 1, page 2, line 8, after “*each*” by inserting “*qualified*”.

Amend section 1, page 2, line 11, after “*broker*” by inserting: “*who maintains an office within the county where the school district is located*”.

Amend sec. 3, page 3, line 28, by deleting “*and*”.

Amend sec. 3, page 3, line 29, after “*(b)*” by inserting:

“*Maintains an office within the county where the school district is located; and*

(c)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 187.

Amend section 1, page 1, by deleting lines 15 through 18 and inserting: “*minority . [if the court finds that the visits would be in the best interests of the child.]*”.

Amend section 1, page 1, by deleting line 20 and inserting: “*a meaningful relationship, the district court in the county in which the child resides also may grant to that person a*”.

Amend section 1, page 2, by deleting lines 1 through 11 and inserting: “*the person is related to the child . [if the court finds that the visits would be in the best interests of the child.]*

3. *A party may seek a reasonable right to visit the child during his minority pursuant to subsection 1 or 2 only if a parent of the child has denied or restricted visits with the child.*

4. *If a parent of the child has denied or restricted visits with the child, there is a rebuttable presumption that the granting of a right to visitation to a party seeking visitation is not in the best interests of the child. To rebut this presumption, the party seeking visitation must prove by a preponderance of the evidence that it is in the best interests of the child to grant visitation.*

5. *The court may grant a party seeking visitation pursuant to subsection 1 or 2 a reasonable right to visit the child during his minority only if the*

court finds that the party seeking visitation has rebutted the presumption established in subsection 4.

6. In determining whether ~~[to grant a right to visitation to a petitioner pursuant to subsection 1 or 2,]~~ *the party seeking visitation has rebutted the presumption established in subsection 4*, the court shall consider:".

Amend section 1, page 2, line 42, by deleting "4." and inserting "[4.] 7.".

Amend section 1, page 3, by deleting lines 2 through 6 and inserting: "court must find that the visits would be in the best interests of the child in light of the considerations set forth in *paragraphs (a) to (j), inclusive, of subsection [3.] 6.*

~~[5.]~~ 8. Rights to visit a child may be granted:".

Amend section 1, page 3, line 17, by deleting "6." and inserting "[6.] 9.".

Amend section 1, page 3, line 21, by deleting "7." and inserting "[7.] 10.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 34 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 184.

Amend sec. 2, page 1, by deleting line 21 and inserting: "~~[mentioned in the order must]~~ *in which a branch county jail is located may be*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that the action whereby Assembly Bill No. 34 was re-referred to the Committee on Ways and Means be rescinded.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 185.

Amend section 1, page 1, line 2, by deleting "A" and inserting: "[A]

1. *Except as otherwise provided in subsection 2, a”.*

Amend section 1, page 1, line 4, by deleting “1.” and inserting “[1.] (a)”.

Amend section 1, page 1, line 6, by deleting “2.” and inserting “[2.] (b)”.

Amend section 1, page 1, line 11, by deleting “3.” and inserting “[3.] (c)”.

Amend section 1, page 2, line 3, by deleting “4.” and inserting “[4.] (d)”.

Amend section 1, page 2, line 7, by deleting “5.” and inserting “[5.] (e)”.

Amend section 1, page 2, line 9, by deleting “6.” and inserting “[6.] (f)”.

Amend section 1, page 2, line 14, by deleting “7.” and inserting “[7.] (g)”.

Amend section 1, page 2, line 16, by deleting “8.” and inserting “[8.] (h)”.

Amend section 1, page 2, line 17, by deleting “9.” and inserting “[9.] (i)”.

Amend section 1, page 2, line 19, by deleting “10.” and inserting “[j)”.

Amend section 1, page 2, between lines 21 and 22, by inserting:

“2. *A person who commits an act that is prohibited by subsection 1 which involves the repair of a vehicle has not committed theft unless, before the repair was made, he:*

(a) *Received a written estimate of the cost of the repair; and*

(b) *Agreed to pay the amount in the written estimate.”.*

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 205.466 is hereby amended to read as follows:

205.466 1. A district attorney may create within his office a program for restitution for persons referred to the district attorney by a law enforcement officer who has probable cause to believe the person violated *paragraph (i) of subsection [9] 1 of NRS 205.0832 [.] or NRS 205.130 or 205.380*. The program may be conducted by the district attorney in conjunction with the county sheriff, police department or any other law enforcement agency in whose jurisdiction a violation of *paragraph (i) of subsection [9] 1 of NRS 205.0832 [.] or NRS 205.130 or 205.380* has occurred, or by a private entity under contract with the district attorney.

2. The district attorney may adopt standards for the law enforcement agency which indicate the minimum requirements of investigation by the agency for its referral of a person to the district attorney for acceptance in the program.

3. If such a person is referred to the district attorney, the district attorney shall determine if the person is appropriate for acceptance in the program. The district attorney may consider:

(a) The amount of the check or draft drawn or passed without sufficient money or credit to pay it in full;

(b) The prior criminal record of the person;

(c) Prior referrals of the person to the program;

(d) The number of times the person has violated *paragraph (i) of subsection [9] 1 of NRS 205.0832 [.] or NRS 205.130 or 205.380*;

(e) Whether other allegations of drawing or passing checks or drafts without sufficient money or credit to pay them in full are pending against the person; and

(f) The strength of the evidence, if any, of the person's intent to defraud the alleged victim.

4. Except as otherwise provided in NRS 205.469, this section does not limit the authority of the district attorney to prosecute violations of *paragraph (i) of subsection [9] 1* of NRS 205.0832 ~~[7]~~ or NRS 205.130 or 205.380.”.

Amend the title of the bill, third line, after “services” by inserting: “under certain circumstances”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 188.

Amend section 1, page 1, by deleting line 3 and inserting:

“1. In a county whose population is 400,000 or more, the juvenile court shall”.

Amend section 1, page 1, by deleting line 6 and inserting: *“juvenile court in a county whose population is less than 400,000 may establish a”.*

Amend section 1, page 1, line 10, before “court” by inserting “juvenile”.

Amend section 1, page 1, line 15, before “court” by inserting “juvenile”.

Amend section 1, page 1, line 16, before “court” by inserting “juvenile”.

Amend section 1, page 2, line 2, before “court” by inserting “juvenile”.

Amend section 1, page 2, line 15, before “court” by inserting “juvenile”.

Amend sec. 2, page 4, line 38, by deleting “a child” and inserting “the child”.

Amend sec. 3, page 5, by deleting lines 30 through 36 and inserting:

“2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and”.

Amend the title of the bill, third line, by deleting “appropriations;” and inserting “an appropriation;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 174 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to Committee on Ways and Means.

Assembly Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 106.

Amend section 1, page 1, line 4, by deleting “*and local*” and inserting “*local*”.

Amend section 1, page 1, line 6, by deleting “*state,*” and inserting: “*state and individual parents and legal guardians whose children are enrolled in public schools throughout this state,*”.

Amend section 1, page 2, line 6, by deleting “*an*” and inserting: “*a safe and*”.

Amend section 1, page 2, line 14, by deleting “*and local*” and inserting “*local*”.

Amend section 1, page 2, line 16, by deleting “*district,*” and inserting: “*district and individual parents and legal guardians whose children are enrolled in public schools of the school district,*”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 179.

Amend the bill as a whole by deleting sections 1 through 8 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

If a new special license plate is authorized by an act of the legislature after January 1, 2003, the legislature will direct that the license plate not be designed, prepared or issued by the department unless the department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the legislature that authorized the plate.”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; declaring a prospective increase in the number of applications that must be received by the department of motor vehicles and public safety before the department may design, prepare or issue future special license plates; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Declares prospective increase in number of applications that must be received by department of motor vehicles and public safety before department may design, prepare or issue future special license plates. (BDR 43-55)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 361.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 85.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 5 and 6 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. NRS 362.130 is hereby amended to read as follows:

362.130 1. When the department determines from the annual statement filed pursuant to NRS 362.110 the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds and the tax due and shall send a copy to the owner of the mine, operator of the mine, or recipient of the royalty, as the case may be.

2. The certificate must be prepared and mailed not later than April 20 immediately following the month of February during which the statement was filed.

3. The tax due as indicated in the certificate prepared pursuant to this section must be paid on or before May 10 of the year in which the certificate is received.

4. ~~{If the owner of the mine, operator of the mine, or recipient of the royalty paid taxes pursuant to subsection 1 or 2 of NRS 362.145, the certificate must indicate any deficiency remaining from the previous calendar year or any overpayment of the taxes made for the previous calendar year.~~

5. ~~Any deficiency remaining from the previous calendar year, as indicated on the certificate prepared pursuant to this section must be paid on or before May 10 of the year in which the certificate is received.~~

6. ~~If an overpayment was made, {and subsection 1 or 2 of NRS 362.145 applies to the taxpayer for the current calendar year or the taxpayer chooses to pay the tax pursuant to subsection 1 or 2 of NRS 362.145 for the current calendar year,} the overpayment may be credited toward the payment due on {August 1 of the current calendar year. If neither subsection 1 nor subsection 2 of NRS 362.145 applies to the taxpayer for the current calendar year and the tax is paid on or before} May 10 of the next calendar year. {, the overpayment may be credited toward that payment.} If the certificate prepared pursuant to this section shows a net loss for the year covered by the certificate or an amount of tax due for that year which is less than an overpayment made for the preceding year, the amount or remaining amount of the overpayment must be refunded to the taxpayer within 30 days after the certification was sent to the taxpayer.~~

Sec. 4. NRS 362.170 is hereby amended to read as follows:

362.170 1. There is hereby appropriated to each county the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, by the combined rate of tax ad valorem, excluding any rate levied by the State of Nevada, for property at that site, plus a pro rata share of any penalties and interest collected by the department for the late payment of taxes distributed to the county. The department shall report to the state controller on or before ~~[February 28,]~~ May 25 ~~[and August 15]~~ of each year the amount appropriated to each county, as calculated for each operation from the final statement made in February of that year for the preceding calendar year. ~~[and the statements filed pursuant to NRS 362.145.]~~ The state controller shall distribute all money due to a county on or before ~~[March 5,]~~ May 30 ~~[and August 20]~~ of each year.

2. The county treasurer shall apportion to each local government or other local entity an amount calculated by:

(a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation and any royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity;

(b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the department for the late payment of taxes distributed to that local government or local entity; and

(c) Subtracting from the amount determined pursuant to paragraph (b) a ~~[percentage]~~ commission of 3 percent of that amount which must be deposited in the county general fund.

3. The amounts apportioned pursuant to subsection 2, including, without limitation, the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

4. The department shall report to the state controller on or before May 25 of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.”.

Amend sec. 3, page 3, line 37, by deleting “is” and inserting: “and 362.145 are”.

Amend the text of repealed sections by adding the text of NRS 362.145.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; revising the provisions governing the reporting requirements, payment schedules and collection procedures for the tax on the net proceeds of minerals; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing tax on net proceeds of minerals. (BDR 32-1078)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 44 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 377.

Bill read second time and ordered to third reading.

Assembly Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 166.

Amend section 1, page 1, line 3, by deleting "10,000" and inserting "1,000".

Amend section 1, page 1, line 5, after "census" by inserting: "*or the population certified by the governor pursuant to NRS 360.285, whichever is most recent,*".

Amend sec. 2, page 1, line 9, by deleting "[three] two" and inserting "three".

Amend sec. 2, page 2, by deleting lines 1 through 4 and inserting:

"2. Those cities having ~~[more than 5,000 and less than 20,000 inhabitants shall be known as]~~ 5,000 or more but less than 50,000 inhabitants are cities of the second class.

3. ~~[All other cities shall be known as]~~ *Those cities having less than 5,000 inhabitants are cities of the third class.*".

Amend sec. 3, page 2, lines 7 and 8, by deleting:

~~["or any city of the third class attains the population of 5,000 or more,"]~~ and inserting: "*, or any city of the third class attains the population of 5,000 or more,*".

Amend sec. 3, page 2, by deleting lines 14 through 16 and inserting:

"first or second class, ~~[as the case may be,]~~ and the city thus changed is governed by the provisions of this chapter ~~[,]~~ applicable to cities of the higher class."

Amend the bill as a whole by deleting sections 4 through 14 and renumbering sections 15 and 16 as sections 4 and 5.

Amend sec. 15, page 6, line 8, after "duties." by inserting: "Such an advisory committee must include a member of the Committee on Local Government Finance and representatives of the Nevada League of Cities and

Municipalities, the Nevada Association of Counties and the Nevada Taxpayers Association, or their successor organizations.”.

Amend sec. 15, page 6, line 23, by deleting “and”.

Amend sec. 15, page 6, line 25, by deleting “town.” and inserting: “town; and

(d) Consider existing statutes governing incorporated cities and unincorporated towns, including, without limitation, population data, governmental structure and operations, and any other matter that the subcommittee determines is relevant to the study.”.

Amend the bill as a whole by deleting the text of repealed sections.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Elections, Procedures, and Ethics.

Assembly Bill No. 538.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 162.

Amend section 1, page 1, line 8, after “*regulations*” by inserting: “*prepared by the board and*”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 659.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Health and Human Services.

ELLEN M. KOIVISTO, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 44.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Goldwater:

Amendment No. 182.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 616A.425 is hereby amended to read as follows:

616A.425 1. There is hereby established in the state treasury the fund for workers’ compensation and safety as a special revenue fund. All money received from assessments levied on insurers and employers by the administrator pursuant to NRS 232.680 must be deposited in this fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the division for functions supported in whole or in part from the fund must be delivered to the custody of the state treasurer for deposit to the credit of the fund.

3. All money and securities in the fund must be used to defray all costs and expenses of administering the program of workmen’s compensation, including the payment of:

(a) All salaries and other expenses in administering the division of industrial relations, including the costs of the office and staff of the administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the hearings division of the department of administration and the programs of self-insurance and review of premium rates by the commissioner.

(c) The salary and other expenses of a full-time employee of the legislative counsel bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the fraud control unit for industrial insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

~~(f) [All salaries and expenses of the members of the legislative committee on workers’ compensation and any other expenses incurred by the committee in carrying out its duties pursuant to NRS 218.5375 to 218.5378, inclusive.~~

~~(g)~~ That portion of the salaries and other expenses of the office for consumer health assistance established pursuant to NRS 223.550 that is related to providing assistance to consumers and injured employees concerning workers’ compensation.

4. The state treasurer may disburse money from the fund only upon written order of the controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any insurer or employer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.”.

Amend the bill as a whole by deleting sec. 3.

Amend the bill as a whole by deleting sec. 5 and adding new sections designated sections 5 through 9, and the deadlines of repealed sections, following sec. 4, to read as follows:

“Sec. 5. NRS 616C.260 is hereby amended to read as follows:

616C.260 1. All fees and charges for accident benefits must not:

(a) Exceed the ~~{fees and charges}~~ *amounts usually billed and paid* in the state for similar treatment.

(b) Be unfairly discriminatory as between persons legally qualified to provide the particular service for which the fees or charges are asked.

2. The administrator shall, giving consideration to the fees and charges being *billed and paid* in the state, establish a schedule of reasonable fees and charges allowable for accident benefits provided to injured employees whose insurers have not contracted with an organization for managed care or with providers of health care services pursuant to NRS 616B.527. The administrator shall review and revise the schedule on or before ~~{October}~~ *February 1* of each year. ~~{The administrator may increase or decrease.}~~ *In the revision, the administrator shall adjust the schedule* ~~{, but shall not increase the schedule by any factor greater than}~~ *by the corresponding annual* ~~{increase}~~ *change in the Consumer Price Index, Medical Care Component.* ~~{, unless the advisory council of the division approves such an increase.}~~

3. The administrator ~~{may request}~~ *shall designate a vendor who compiles data on a national basis concerning fees and charges that are billed and paid for treatment or services similar to the treatment and services that qualify as accident benefits in this state to provide him with such information as he deems necessary to carry out the provisions of subsection 2. The designation must be made pursuant to reasonable competitive bidding procedures established by the administrator. In addition, the administrator may request a health insurer, health maintenance organization or provider of accident benefits, an agent or employee of such a person, or an agency of the state* ~~{,}~~ *to provide the administrator with* ~~{such}~~ *information concerning fees and charges that are billed and paid in this state for similar services as he deems necessary to carry out the provisions of subsection 2. The administrator shall require a* ~~{person or entity providing}~~ *health insurer, health maintenance organization or provider of accident benefits, an agent or employee of such a person, or an agency of the state that provides records or reports of fees* ~~{charged}~~ *and charges billed and paid pursuant to this section to provide interpretation and identification concerning the information delivered. The administrator may impose an administrative fine of \$500 on a health insurer, health maintenance organization or provider of accident benefits, or an agent or employee of such a person for each refusal to provide the information requested pursuant to this subsection.*

4. The division may adopt reasonable regulations necessary to carry out the provisions of this section. The regulations must include provisions concerning:

(a) Standards for the development of the schedule of fees and charges ~~[;]~~ *that are billed and paid;*

(b) The periodic revision of the schedule; and

(c) The monitoring of compliance by providers of benefits with the adopted schedule of fees and charges.

5. The division shall adopt regulations requiring the ~~[utilization]~~ use of a system of billing codes as recommended by the American Medical Association.

Sec. 6. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the division, a full-time employee of the legislative counsel bureau ~~[;]~~ and the fraud control unit for industrial insurance established pursuant to NRS 228.420 , ~~[and the legislative committee on workers' compensation created pursuant to NRS 218.5375,]~~ and that portion of the cost of the office for consumer health assistance established pursuant to NRS 223.550 that is related to providing assistance to consumers and injured employees concerning workers' compensation, must be paid from assessments payable by each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, based upon expected annual expenditures for claims for injuries occurring on or after July 1, 1999. The division shall adopt regulations ~~[which]~~ that establish formulas of assessment which result in an equitable distribution of costs among the insurers and employers who provide accident benefits for injured employees. The formulas may utilize actual expenditures for claims.

2. Federal grants may partially defray the costs of the division.

3. Assessments made against insurers by the division after the adoption of regulations must be used to defray all costs and expenses of administering the program of workers' compensation, including the payment of:

(a) All salaries and other expenses in administering the division, including the costs of the office and staff of the administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the hearings division of the department of administration and the programs of self-insurance and review of premium rates by the commissioner of insurance.

(c) The salary and other expenses of a full-time employee of the legislative counsel bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the fraud control unit for industrial insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) ~~[All salaries and expenses of the members of the legislative committee on workers' compensation and any other expenses incurred by the committee in carrying out its duties pursuant to NRS 218.5375 to 218.5378, inclusive.]~~

~~(g)}~~ That portion of the salaries and other expenses of the office for consumer health assistance established pursuant to NRS 223.550 that is related to providing assistance to consumers and injured employees concerning workers' compensation.

Sec. 7. NRS 218.5375, 218.5376, 218.5377 and 218.5378 are hereby repealed.

Sec. 8. Notwithstanding the amendatory provisions of section 1 of this act, the administrator of the division of industrial relations of the department of business and industry is not required to designate a vendor that compiles data on a national basis concerning fees and charges that are billed and paid for certain treatment and services pursuant to section 1 of this act in sufficient time to ensure that the schedule of reasonable fees and charges allowable for accident benefits that must be revised on or before February 1, 2002, includes the data obtained from that vendor, but shall use his best efforts to do so.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of requiring the administrator to designate a vendor who compiles data on a national basis concerning fees and charges that are billed and paid for treatment or services similar to the treatment and services that qualify as accident benefits in this state to provide the administrator with such information as he deems necessary to carry out the provisions of subsection 2 of section 1 of this act.

(b) On July 1, 2001, for all other purposes.

3. Sections 2 to 8, inclusive, of this act become effective on July 1, 2001.

LEADLINES OF REPEALED SECTIONS

218.5375 Creation; membership; chairman and vice chairman; vacancies.

218.5376 Meetings; compensation of members.

218.5377 Powers of committee.

218.5378 Fees and mileage for witnesses.”.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; abolishing the legislative committee on workers' compensation; revising the provisions governing maintenance of files of claims at the office of an insurer; requiring the administrator of the division of industrial relations of the department of business and industry to designate a vendor of certain data to assist the administrator in the establishment and revision of a schedule of reasonable fees for accident benefits; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning industrial insurance. (BDR 53-772)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 48:

YEAS—42.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 113:

YEAS—37.

NAYS—Bache, Goldwater, Koivisto, Leslie, Perkins—5.

Assembly Bill No. 113 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 394:

YEAS—42.

NAYS—None.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 406:

YEAS—42.

NAYS—None.

Assembly Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 441.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 441:

YEAS—42.

NAYS—None.

Assembly Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 534:

YEAS—42.

NAYS—None.

Assembly Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 587.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 587:

YEAS—42.

NAYS—None.

Assembly Bill No. 587 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 8, 9; Senate Concurrent Resolutions Nos. 29, 30.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Meagan Hauser.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Dottie Spinetta, Bea Wiemann, Joyce Patterson, Linda Devon, Mary Fisher and Augie Strauss.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Senator Steve Rauchenberger.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Davis.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Summer Lee.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Robson Hauser.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Shana Kain and Shilo Wheeler.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Ronald W. Garland.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 11, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 11, 2001

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Richard Campbell.

Eternal and Ever Blessed God, You have been gracious to us beyond measure. Many times we are not as grateful as we should be. We have failed You by neglecting rights and restricting freedoms. Forgive us when we overlook national wrong and justify injustice. Forgive us for decisions caused by prejudice or greed. Make us compassionate and fair to each other. Bless this Assembly, give them guidance and courage as they act on behalf of the people. Bless our nation and state and help all of us do Your will. Our prayers are given in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 363, 415, 621, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 192, 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 414, 553, 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 569, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 662, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 556, just reported out of Committee, be placed on the Second Reading File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Dini moved that Assembly Bill No. 152 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 9, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 116, 221, 389.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 15, 32, 373; Senate Joint Resolution No. 1.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 6.

Resolution read.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 142.

Amend the resolution, page 2, by deleting lines 19 through 28 and inserting:

“RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature commends Storey County and the Tahoe-Reno Industrial Center for their leadership in helping to diversify the economy of this state and create a substantial number of jobs in Northern Nevada; and be it further

RESOLVED, That the Nevada Legislature supports the efforts of Storey County and the Tahoe-Reno Industrial Center to develop additional capacity for the generation of energy in Northern Nevada; and be it further

RESOLVED, That the Nevada Legislature commends the developers of the Tahoe-Reno Industrial Center for their vision and commitment to the economic development of this state; and be it further

RESOLVED, That the Nevada Legislature commends the efforts of the Board of County Commissioners of Storey County, the Commission on Economic Development and the Economic Development Authority of Western Nevada for their support of projects for economic development at the Tahoe-Reno Industrial Center; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Kenny Guinn, Lieutenant Governor Lorraine Hunt, each member of the Commission on Economic Development

and each member of the Board of County Commissioners of Storey County.”.

Amend the preamble of the resolution, page 1, lines 8 and 10, by deleting “Park” and inserting “Center”.

Amend the preamble of the resolution, page 1, by deleting lines 14 through 21 on page 1 and lines 1 through 18 on page 2, and inserting:

“WHEREAS, The developers of the Tahoe-Reno Industrial Center have invested a substantial amount of money to develop the infrastructure required for the construction and operation of the center; and

WHEREAS, The power generation plant under construction at the Tahoe-Reno Industrial Center will provide a new resource for power in this state and help to avoid shortages of power in Northern Nevada; and

WHEREAS, The Tahoe-Reno Industrial Center is working with The Nature Conservancy to develop a 400-acre, 5-mile-long nature preserve on the McCarran Ranch property which currently provides habitat for many species of wildlife and over 125 species of birds, thereby enabling The Nature Conservancy to restore the area to its full ecological potential; and

WHEREAS, The developers of the Tahoe-Reno Industrial Center are working with the Department of Transportation to develop the Interstate Highway No. 80 Interchange and State Route No. 567 that will connect Interstate Highway No. 80 and U.S. Highway 50 and will donate the right of way for the construction of State Route No. 567; and

WHEREAS, The construction of the Interstate Highway No. 80 Interchange and State Route No. 567 will help to ensure that the economic benefits resulting from the Tahoe-Reno Industrial Center in Storey County will inure as well to the economic benefit of Carson City and Lyon County; now, therefore, be it”.

Amend the title of the resolution to read as follows:

“ASSEMBLY CONCURRENT RESOLUTION—Expressing support for projects for economic development at the Tahoe-Reno Industrial Center.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Expresses support for projects for economic development at Tahoe-Reno Industrial Center. (BDR R-763)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Resolution ordered reprinted and engrossed.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 15.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 32.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 116.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 221.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 373.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 389.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 1.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 109.

Amend section 1, page 1, by deleting lines 6 through 12 and inserting: "*the control of the railroad company, the contract may provide that the railroad company is not required to file, furnish or obtain a payment bond, performance bond or any other bond that would otherwise be required pursuant to the provisions of this chapter.*".

Amend sec. 4, page 3, by deleting lines 1 and 2 and inserting:

"408.383 1. Except as otherwise provided in subsections 2 ~~[and 11]~~, 11 and 12, the director may pay at the end of each calendar".

Amend sec. 4, page 4, between lines 38 and 39, by inserting:

“12. If the director awards to a railroad company a contract for a project for the construction, reconstruction, improvement or maintenance of a highway and the project is located on property that is owned by or under the control of the railroad company, the director may agree in the contract not to retain any portion of the contract price.”.

Amend the title of the bill to read as follows:

“AN ACT relating to highways; providing an exception to the requirements relating to the retention of a portion of the contract price or the furnishing of a bond with respect to certain contracts awarded to railroad companies; and providing other matters properly relating thereto.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 47.

Amend section 1, page 1, line 6, after “inclusive.” by inserting: *“At the time at which an obligor initially seeks to obtain the director’s assistance in financing a project, the director shall inform the obligor of the provisions of this section.”.*

Amend section 1, pages 1 and 2, by deleting lines 12 through 14 on page 1 and lines 1 through 8 on page 2, and inserting: “available to the public ~~unless the obligor has:~~

~~(a) Requested~~] if:

~~(a) The obligor has requested~~ in writing that the information, statements or records be ~~made public; or~~

~~(b) Furnished the information, statements or records for a purpose other than obtaining the director’s assistance in financing a project pursuant to NRS 349.400 to 349.670, inclusive.] kept confidential and has specified the legal authority pursuant to which such information, statements or records must be kept confidential; and~~

~~(b) The director has found that the legal authority specified by the obligor requires that the information, statements or records be kept confidential.”.~~

Amend section 1, page 2, line 9, by deleting “4.” and inserting “3.”.

Amend the title of the bill by deleting the third through seventh lines and inserting: “such bonds be kept confidential in certain circumstances; and providing other matters properly”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 93.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 40.

Amend section 1, page 1, by deleting lines 7 and 8 and inserting:

~~“1. The~~; *contract in lieu of or in addition to appointment.*”.

Amend section 1, page 1, by deleting lines 11 and 12 and inserting:

“2. The city attorney *and any attorney with whom the city council enters into a contract pursuant to subsection 6* must be a ~~[duly]~~ licensed member of the State Bar of Nevada.”.

Amend section 1, page 2, by deleting lines 4 through 25 and inserting:

“6. *In lieu of or in addition to appointing a city attorney pursuant to subsection 1, the city council may enter into a contract with one or more attorneys employed by or associated with a professional corporation, partnership or limited-liability company that engages in the practice of law in this state to perform all or a portion of the duties of the city attorney. If the city council enters into such a contract, the city council shall ensure that the contract specifies the duties to be performed and the compensation payable for the performance of those duties.*

7. *An attorney with whom the city council enters into a contract to perform all or a portion of the duties of the city attorney pursuant to subsection 6 has, for each of the duties specified in the contract, all the powers and duties otherwise conferred upon a city attorney who is appointed pursuant to subsection 1.*”.

Amend the title of the bill to read as follows:

“AN ACT relating to the City of North Las Vegas; authorizing the city council to enter into a contract with one or more attorneys employed by or associated with certain professional corporations, partnerships or limited-liability companies to perform all or a portion of the duties of the city attorney; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions of charter of City of North Las Vegas concerning city attorney. (BDR S-431)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 134.

Bill read second time.

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

Amendment No. 169.

Amend section 1, page 1, line 11, by deleting “*legislature*” and inserting:

“governor, for inclusion in the executive budget.”.

Amend section 1, page 1, line 17, by deleting “[All]” and inserting: “[All of the]”.

Amend section 1, page 2, line 2, after “oversee” by inserting “and enforce”.

Amend section 1, page 2, by deleting lines 5 and 6 and inserting: “*be paid to the attorney general to pay the expenses of the unit established in the office of the attorney general that investigates and prosecutes insurance fraud.*”.

Amend section 1, page 2, line 7, by deleting: “all of the”.

Amend section 1, page 2, line 37, by deleting the brackets and strike-through.

Amend the title of the bill, third line, by deleting: “acts of insurers;” and inserting “acts;”.

Amend the summary of the bill to read as follows:
“SUMMARY—Makes various changes concerning assessment imposed by commissioner of insurance upon insurers to pay for program to investigate certain violations and fraudulent acts. (BDR 57-331)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 160.

Bill read second time.

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

Amendment No. 98.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 616A.230 is hereby amended to read as follows:

616A.230 “Employer” means:

1. ~~[The]~~ *Except as otherwise provided in subsection 4 of NRS 616B.627, the state, and each county, city, school district, and all public and quasi-public corporations therein without regard to the number of persons employed.*

2. Every person, firm, voluntary association ~~[is]~~ and private corporation, including any public service corporation, which has in service any person under a contract of hire.

3. The legal representative of any deceased employer.

4. The Nevada rural housing authority.

5. An owner or principal contractor who establishes and administers a consolidated insurance program pursuant to NRS 616B.710, with respect to the employees covered under that consolidated insurance program.

Sec. 2. NRS 616B.618 is hereby amended to read as follows:

616B.618 ~~[Where]~~ *Except as otherwise provided in subsection 4 of NRS 616B.627, when the state or a county, city, school district, metropolitan police department, or other political subdivision, or a contractor under such a governmental entity is the employer, the provisions of chapters 616A to 616D, inclusive, of NRS for the payment of compensation and the amount thereof for any injury sustained by an employee are conclusive, compulsory and obligatory upon both employer and employee without regard to the number of persons in the service of any such employer.*

Sec. 3. NRS 616B.624 is hereby amended to read as follows:

616B.624 1. If a quasi-public or private corporation or a limited-liability company is required to be insured pursuant to chapters 616A to 616D, inclusive, of NRS, an officer of the corporation or a manager of the company who:

(a) Receives pay for services performed as an officer, manager or employee of the corporation or company shall be deemed for the purposes of those chapters to receive a minimum pay of \$6,000 per year the policy of industrial insurance for the employer is effective and a maximum pay of \$36,000 per year the policy of industrial insurance is effective.

(b) Does not receive pay for services performed as an officer, manager or employee of the corporation or company shall be deemed for the purposes of those chapters to receive a minimum pay of \$500 per month or \$6,000 per year the policy of industrial insurance is effective.

2. An officer or manager who does not receive pay for services performed as an officer, manager or employee of the corporation or company may elect to reject coverage *for himself* by filing written notice thereof with the corporation or company and the insurer. The rejection is effective upon receipt of the notice by the insurer.

3. *An officer or manager of such a corporation or company who:*

(a) *Owens the corporation or company;*

(b) *Operates the corporation or company exclusively from his primary residence; and*

(c) *Receives pay for the services performed,*
may elect to reject coverage for himself by filing written notice thereof with the insurer. The rejection is effective upon receipt of the notice by the insurer.

4. An officer or manager who has rejected coverage may rescind that rejection by filing written notice thereof with the corporation or company and the insurer. The rescission is effective upon receipt of the notice by the insurer. ~~[If]~~ *Except as otherwise provided in subsection 3, if an officer or manager who has rejected coverage receives pay for services performed as an*

officer, manager or employee of the corporation or company, the officer or manager shall be deemed to have rescinded that rejection.

~~[4-]~~ 5. A nonprofit corporation whose officers do not receive pay for services performed as officers or employees of the corporation may elect to reject coverage for its current officers and all future officers who do not receive such pay by filing written notice thereof with the corporation and the insurer. The rejection is effective upon receipt of the notice by the insurer.

~~[5-]~~ 6. A nonprofit corporation which has rejected coverage for its officers who do not receive pay for services performed as officers or employees of the corporation may rescind that rejection by filing written notice thereof with the corporation and the insurer. The rescission is effective upon receipt of the notice by the insurer. If an officer of a nonprofit corporation which has rejected coverage receives pay for services performed as an officer or employee of the corporation, the corporation shall be deemed to have rescinded that rejection.”

Amend section 1, page 1, by deleting lines 9 through 11 and inserting: “the provisions of chapters 616A to 616D, inclusive, of NRS. A *state agency*, political subdivision or metropolitan police department ~~[shall not]~~ *may* furnish coverage for industrial insurance for a contractor ~~[except as otherwise agreed]~~ *as specified in the*”.

Amend section 1, page 1, line 14, after “*proprietor*” by inserting: “*who does not use the services of his employees, if any, in the performance of a contract with the state or any political subdivision thereof, or a metropolitan police department,*”.

Amend section 1, page 2, between lines 8 and 9, by inserting:

“4. A state agency, political subdivision or metropolitan police department that lets a contract to a sole proprietor in accordance with this section:

(a) Must not, for any purpose, be considered to be the employer of the sole proprietor or his employees, if any; and

(b) Is not liable as a principal contractor to the sole proprietor or his employees, if any, for any compensation or other damages as a result of an industrial injury or occupational disease incurred in the performance of the contract.”.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 7 and 8 and adding new sections designated sections 5 and 6, following section 1, to read as follows:

“Sec. 5. NRS 617.110 is hereby amended to read as follows:

617.110 “Employer” means:

1. ~~[The]~~ *Except as otherwise provided in subsection 4 of NRS 617.210, the state and each county, city, school district, and all public and quasi-public corporations therein, without regard to the number of persons employed.*

2. Every person, firm, voluntary association ~~[+]~~ and private corporation, including any public service corporation, which has in service any employee under a contract of hire.

3. The legal representative of any deceased employer.

4. The Nevada rural housing authority.

Sec. 6. NRS 617.207 is hereby amended to read as follows:

617.207 1. If a quasi-public or private corporation or limited-liability company is required to be insured pursuant to this chapter, an officer of the corporation or a manager of the company who:

(a) Receives pay for service performed shall be deemed for the purposes of this chapter to receive a minimum pay of \$6,000 per year the policy of industrial insurance for the employer is effective and a maximum pay of \$36,000 per year the policy of industrial insurance is effective.

(b) Does not receive pay for services performed shall be deemed for the purposes of this chapter to receive a minimum pay of \$500 per month or \$6,000 per year the policy of industrial insurance is effective.

2. An officer or manager who does not receive pay for services performed may elect to reject coverage *for himself* by filing written notice thereof with the corporation or company and the insurer. The rejection is effective upon receipt of the notice by the insurer.

3. *An officer or manager of such a corporation or company who:*

(a) *Owens the corporation or company;*

(b) *Operates the corporation or company exclusively from his primary residence; and*

(c) *Receives pay for the services performed,*
may elect to reject coverage for himself by filing written notice thereof with the insurer. The rejection is effective upon receipt of the notice by the insurer.

4. An officer or manager who has rejected coverage may rescind that rejection by filing written notice thereof with the corporation or company and the insurer. The rescission is effective upon receipt of the notice by the insurer.”.

Amend sec. 2, page 2, by deleting lines 17 and 18 and inserting:
“the provisions of this chapter. A *state agency*, political subdivision ~~[shall not]~~ or metropolitan police department may furnish coverage under this chapter for a contractor ~~[except as otherwise agreed]~~ as specified in”.

Amend sec. 2, page 2, line 21, after “*proprietor*” by inserting:
“*who does not use the services of his employees, if any, in the performance of a contract with the state or any political subdivision thereof, or a metropolitan police department,*”.

Amend sec. 2, page 2, between lines 35 and 36, by inserting:

“4. A *state agency*, political subdivision or metropolitan police department that lets a contract to a sole proprietor pursuant to subsection 1:

(a) *Shall be deemed not to be the employer of the sole proprietor or his employees, if any; and*

(b) *Is not liable as a principal contractor to the sole proprietor or his employees, if any, for any compensation or other damages as a result of an*

industrial injury or occupational disease incurred in the performance of the contract.”.

Amend the title of the bill to read as follows:

“AN ACT relating to insurance; providing that certain owners of corporations and companies may elect to reject coverage for themselves for industrial insurance and occupational diseases under certain circumstances; clarifying that a sole proprietor is not required to obtain industrial insurance or coverage for occupational diseases before performing work under a contract with the state or a political subdivision of the state or a metropolitan police department under certain circumstances; clarifying that the state or a political subdivision of the state or a metropolitan police department is not an employer of and is not liable to a sole proprietor or his employees under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing industrial insurance. (BDR 53-1097)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 108.

Amend the bill as a whole by renumbering section 1 as sec. 8 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

“Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Attending physician” has the meaning ascribed to it in NRS 449.550.*

Sec. 3. *“Terminal condition” has the meaning ascribed to it in NRS 449.590.*

Sec. 4. *The board may enter into an agreement for the manufacture of a bracelet or medallion to be worn by a qualified patient which indicates that the qualified patient has been issued a do-not-resuscitate identification. Such a bracelet or medallion may be issued to a qualified patient in addition to, and not in lieu of, the do-not-resuscitate identification.*

Sec. 5. 1. *A parent or legal guardian of a minor may apply to the health authority for a do-not-resuscitate identification on behalf of the minor if the minor has been:*

(a) *Determined by his attending physician to be in a terminal condition; and*

(b) *Issued a do-not-resuscitate order pursuant to NRS 450B.510.*

2. *To obtain such a do-not-resuscitate identification, the parent or legal guardian must:*

(a) *Submit an application on a form provided by the health authority; and*

(b) *Comply with the requirements prescribed by the board.*

3. *An application submitted pursuant to subsection 2 must include, without limitation:*

(a) *Certification by the minor's attending physician that the minor:*

(1) *Suffers from a terminal condition; and*

(2) *Has been issued a do-not resuscitate order pursuant to NRS 450B.510;*

(b) *A statement that the parent or legal guardian of the minor does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;*

(c) *The name of the minor;*

(d) *The name, signature and telephone number of the minor's attending physician; and*

(e) *The name, signature and telephone number of the minor's parent or legal guardian.*

4. *Except as otherwise provided in this section, the parent or legal guardian of the minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that he wishes to have the identification removed or destroyed.*

5. *If, in the opinion of the attending physician, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment:*

(a) *The do-not-resuscitate identification obtained pursuant to this section is not effective without the assent of the minor.*

(b) *The minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that he wishes to have the identification removed or destroyed.*

(c) *The parent or legal guardian of the minor may not revoke the authorization to withhold life-resuscitating treatment without the assent of the minor.*

Sec. 6. NRS 450B.400 is hereby amended to read as follows:

450B.400 As used in NRS 450B.400 to 450B.590, inclusive, and sections 2 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 450B.410 to 450B.470, inclusive, and sections 2 and 3 of this act, have the meanings ascribed to them in those sections.

Sec. 7. NRS 450B.470 is hereby amended to read as follows:

450B.470 “Qualified patient” ~~[has the meaning ascribed to it in NRS 449.585.]~~ means:

1. *A patient 18 years of age or older who has been determined by his attending physician to be in a terminal condition and who:*

(a) *Has executed a declaration in accordance with the requirements of NRS 449.600; or*

(b) *Has been issued a do-not-resuscitate order pursuant to NRS 450B.510.*

2. *A patient who is less than 18 years of age and who:*

(a) *Has been determined by his attending physician to be in a terminal condition; and*

(b) *Has been issued a do-not-resuscitate order pursuant to NRS 450B.510.”.*

Amend section 1, page 1, line 2, after “inclusive,” by inserting: “and sections 2 to 5, inclusive, of this act.”.

Amend section 1, page 1, line 6, by deleting “transferred” and inserting: “prepared to be transferred, or is being transferred.”.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 13 and 14 and adding new sections designated sections 9 through 12, following section 1, to read as follows:

“Sec. 9. NRS 450B.490 is hereby amended to read as follows:

450B.490 1. The board shall adopt regulations to carry out the provisions of NRS 450B.400 to 450B.590, inclusive ~~[,]~~, and sections 2 to 5, inclusive, of this act. The regulations must establish:

(a) A do-not-resuscitate protocol; and

(b) The procedure to apply for a do-not-resuscitate identification.

2. The board may establish a fee for ~~[a]~~:

(a) A do-not-resuscitate identification to be collected by the health authority. The fee may not exceed the actual cost to the health authority of:

~~[(a)]~~ (1) Manufacturing or obtaining the identification from a manufacturer, including the cost of shipping and handling; and

~~[(b)]~~ (2) Engraving the identification.

(b) *The issuance of a bracelet or medallion which indicates that a do-not-resuscitate identification has been issued to a qualified patient.*

3. In the case of a county or district board of health, such regulations take effect immediately upon approval by the state board of health.

Sec. 10. NRS 450B.510 is hereby amended to read as follows:

450B.510 1. A physician licensed in this state may issue a written do-not-resuscitate order only to a ~~[qualified patient]~~.

~~2.—The] patient who has been determined to be in a terminal condition.~~

2. *Except as otherwise provided in subsection 3, the order is effective only if the patient has agreed to its terms, in writing, while he is capable of making an informed decision.*

3. *If the patient is a minor, the order is effective:*

(a) *Only if the minor has agreed to its terms, in writing, while he is capable of making an informed decision if, in the opinion of the attending physician, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment; or*

(b) *Otherwise, only if the parent or legal guardian of the minor has agreed to its terms, in writing.*

4. A physician who issues a do-not-resuscitate order may apply, on behalf of the patient, to the health authority for a do-not-resuscitate identification for that patient.

Sec. 11. NRS 450B.520 is hereby amended to read as follows:

450B.520 *Except as otherwise provided in section 5 of this act:*

1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that he has informed each member of his family within the first degree of consanguinity or affinity, whose whereabouts are known to him, or if no such members are living, his legal guardian, if any, or if he has no such members living and has no legal guardian, his caretaker, if any, of his decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient's attending physician that the patient suffers from a terminal condition;

(b) Certification by the patient's attending physician that the patient ~~is~~

~~(1) Is] is~~ capable of making an informed decision ~~is or~~

~~(2) When] or, when~~ he was capable of making an informed decision ~~is] :~~

(1) *He executed:*

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances; or

(II) A durable power of attorney for health care pursuant to NRS 449.800 to 449.860, inclusive; or

(2) *He was issued a do-not-resuscitate order pursuant to NRS 450B.510;*

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician; and

(e) The name and signature of the patient or the attorney in fact who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care.

Sec. 12. NRS 450B.530 is hereby amended to read as follows:

450B.530 ~~[A]~~ *Except as otherwise provided in section 5 of this act, a qualified patient who possesses a do-not-resuscitate identification may revoke his authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of his identification or*

otherwise indicating to a person that he wishes to have his identification removed or destroyed.”.

Amend sec. 2, page 1, line 15, by deleting “*transferred*” and inserting: “*prepared to be transferred, or is being transferred,*”.

Amend sec. 2, page 2, line 8, by deleting “*transferred*” and inserting: “*prepared to be transferred, or is being transferred,*”.

Amend sec. 2, page 2, line 19, by deleting “*transferred*” and inserting: “*prepared to be transferred, or is being transferred,*”.

Amend sec. 2, page 2, by deleting lines 30 through 36 and inserting:

“(a) An oral or written request made by a qualified patient ~~[who possesses a do not resuscitate identification;]~~, or the parent or legal guardian of a qualified patient, who may revoke the authorization to withhold life-resuscitating treatment pursuant to NRS 450B.530 or section 5 of this act; or

(b) An observation that a qualified patient ~~[has removed or destroyed or requested the removal or destruction of his do not resuscitate identification or otherwise indicated that he wished to have his identification removed or destroyed;]~~, or the parent or legal guardian of a qualified patient, has revoked or otherwise indicated that he wishes to revoke the authorization to withhold life-resuscitating treatment pursuant to NRS 450B.530 or section 5 of this act,”.

Amend the bill as a whole by renumbering sec. 4 as sec. 16 and adding a new section designated sec. 15, following sec. 3, to read as follows:

“Sec. 15. NRS 450B.560 is hereby amended to read as follows:

450B.560 1. Unless he has knowledge to the contrary, a physician, any other provider of health care or any person who administers emergency medical services may assume that a do-not-resuscitate identification complies with the provisions of NRS 450B.400 to 450B.590, inclusive, *and sections 2 to 5, inclusive, of this act*, and is valid.

2. The provisions of NRS 450B.400 to 450B.590, inclusive, *and sections 2 to 5, inclusive, of this act*, do not create a presumption concerning the intention of a:

(a) Qualified patient *or a parent or legal guardian of a qualified patient* who has revoked ~~[his]~~ authorization to withhold life-resuscitating treatment ~~[;]~~ *pursuant to NRS 450B.530 or section 5 of this act; or*

(b) Person who has not obtained a do-not-resuscitate identification, concerning the use or withholding of life-resuscitating treatment in a life-threatening emergency.”.

Amend sec. 4, page 3, line 4, after “*inclusive,*” by inserting: “*and sections 2 to 5, inclusive, of this act,*”.

Amend the bill as a whole by renumbering sec. 5 as sec. 20 and adding new sections designated sections 17 through 19, following sec. 4, to read as follows:

“Sec. 17. NRS 450B.580 is hereby amended to read as follows:

450B.580 1. It is unlawful for:

(a) A person who administers emergency medical services to fail willfully to transfer a qualified patient in accordance with the provisions of NRS 450B.550.

(b) A person purposely to conceal, cancel, deface or obliterate a do-not-resuscitate identification of a qualified patient, unless it is done in compliance with ~~the~~ a request of the qualified patient or a parent or legal guardian of the qualified patient to remove or destroy ~~his~~ the do-not-resuscitate identification ~~[-]~~ pursuant to NRS 450B.530 or section 5 of this act.

(c) A person to falsify or forge the do-not-resuscitate identification of a qualified patient or purposely to conceal or withhold personal knowledge of the revocation of a do-not-resuscitate identification with the intent to cause the use, withholding or withdrawal of life-resuscitating treatment.

2. A person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 18. NRS 129.030 is hereby amended to read as follows:

129.030 1. ~~[A]~~ *Except as otherwise provided in section 5 of this act, a minor may give consent for the services provided in subsection 2 for himself or for his child, if he is:*

(a) Living apart from his parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;

(b) Married or has been married;

(c) A mother, or has borne a child; or

(d) In a physician's judgment, in danger of suffering a serious health hazard if health care services are not provided.

2. Except as otherwise provided in subsection 4 ~~[-]~~ and section 5 of this act, the consent of the parent or parents or the legal guardian of a minor is not necessary for a local or state health officer, board of health, licensed physician or public or private hospital to examine or provide treatment for any minor, included within the provisions of subsection 1, who understands the nature and purpose of the proposed examination or treatment and its probable outcome, and voluntarily requests it. The consent of the minor to examination or treatment pursuant to this subsection is not subject to disaffirmance because of minority.

3. A person who treats a minor pursuant to subsection 2 shall, before initiating treatment, make prudent and reasonable efforts to obtain his consent to communicate with his parent, parents or legal guardian, and shall make a note of such efforts in the record of his care. If the person believes that such efforts would jeopardize treatment necessary to the minor's life or necessary to avoid a serious and immediate threat to the minor's health, the person may omit such efforts and note the reasons for the omission in the record.

4. A minor may not consent to his sterilization.

5. In the absence of negligence, no person providing services pursuant to subsection 2 is subject to civil or criminal liability for providing those services.

6. The parent, parents or legal guardian of a minor who receives services pursuant to subsection 2 are not liable for the payment for those services unless the parent, parents or legal guardian has consented to such health care services. The provisions of this subsection do not relieve a parent, parents or legal guardian from liability for payment for emergency services provided to a minor pursuant to NRS 129.040.

Sec. 19. NRS 129.050 is hereby amended to read as follows:

129.050 1. ~~Any~~ *Except as otherwise provided in section 5 of this act, any minor who is under the influence of, or suspected of being under the influence of, a controlled substance:*

(a) May give express consent; or

(b) If unable to give express consent, shall be deemed to consent, to the furnishing of hospital, medical, surgical or other care for the treatment of abuse of drugs or related illnesses by any public or private hospital, medical facility, facility for the dependent or any licensed physician, and the consent of the minor is not subject to disaffirmance because of minority.

2. Immunity from civil or criminal liability extends to any physician or other person rendering care or treatment pursuant to subsection 1, in the absence of negligent diagnosis, care or treatment.

3. The consent of the parent, parents or ~~the~~ legal guardian of the minor is not necessary to authorize such care, but any physician who treats a minor pursuant to this section shall make every reasonable effort to report the fact of treatment to the parent, ~~or~~ parents or legal guardian within a reasonable time after treatment.”.

Amend the title of the bill, third line, after “arrest;” by inserting: “authorizing the parent or legal guardian of a minor to obtain a do-not-resuscitate identification on behalf of the minor under certain circumstances;”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Assemblywoman Koivisto moved that upon return from the printer Assembly Bill No. 173 be re-referred to the Committee on Health and Human Services.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Health and Human Services.

Assembly Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 113.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec.

4.

Amend the title of the bill, fourth line, by deleting: “making an appropriation;”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 203.

Bill read second time.

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

Amendment No. 195.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 3 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 489.285 is hereby amended to read as follows:

489.285 1. The division shall adopt regulations concerning continuing education requirements for installers, rebuilders and servicemen of mobile homes ~~[-]~~ , *and responsible managing employees and salesmen*. The regulations must include the:

- (a) Criteria for determining what qualifies as continuing education;
- (b) Criteria for approving educational and training programs;
- (c) Requirements for submitting evidence of completion; and
- (d) Grounds and procedures for granting an extension of time within which to comply with continuing education requirements.

2. In adopting regulations pursuant to subsection 1, the division shall:

(a) Allow for alternative subjects, instructors, schools and sources of programs, with consideration for specialized areas of practice, availability and proximity of resources to the licensees and applicants, and the time and expense required to participate in the programs.

(b) Approve courses offered by generally accredited educational institutions and private vocational schools if those courses otherwise qualify as continuing education.

(c) Approve training and educational programs and seminars offered by:

- (1) Individual sponsors;
- (2) Manufactured housing firms and businesses such as dealers, installers, rebuilders, servicemen, manufacturers of manufactured homes and suppliers of the various components for constructing homes, including heating and air-conditioning systems, material for roofing and siding, skirting, awnings and other components;
- (3) Professional and industry-related organizations; and

(4) Other organized educational programs concerning technical or specialized subjects, including in-house training programs offered by an employer for his employees and participation in meetings and conferences of industry-related organizations.

(d) Solicit advice and assistance from persons and organizations that are knowledgeable in the construction, sale, installation, rebuilding and servicing of manufactured homes and the method of educating licensees.

3. The division is not responsible for the costs of any continuing education program, but may participate in the funding of those programs subject to legislative appropriations.

4. As used in this section, "industry-related organizations" includes, without limitation, the:

- (a) National Manufactured Housing Federation;
- (b) Manufactured Housing Institute;
- (c) Nevada Mobilehome Park Owners Association;
- (d) Nevada Association of Manufactured Homeowners;
- (e) Nevada Association of Realtors; and
- (f) Any other organization approved by the division.

Sec. 2. NRS 489.323 is hereby amended to read as follows:

489.323 If a licensee is an installer, rebuilder or serviceman of mobile homes, *or a responsible managing employee or salesman*, the division shall not renew a license issued to that licensee until the licensee has submitted proof satisfactory to the division that he has, during the 2-year period immediately preceding the renewal of the license, completed at least 8 hours of continuing education approved by the division pursuant to NRS 489.285."

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "*purchasers of manufactured homes, mobile homes or commercial coaches against persons licensed pursuant to the*".

Amend section 1, page 2, line 8, by deleting "*or lessee*".

Amend section 1, page 2, line 9, by deleting: "*the provisions of* ".

Amend section 1, page 2, line 12, by deleting "*those provisions.*" and inserting "*this chapter.*".

Amend sec. 2, page 2, line 14, by deleting "*or lessee*".

Amend sec. 2, page 2, line 15, by deleting: "*home, travel trailer*" and inserting "*home*".

Amend sec. 2, page 2, line 23, by deleting "claimant" and inserting "~~claimant~~ judgment ".

Amend sec. 2, page 2, line 26, after "court." by inserting: "*The petition and each copy of the petition served pursuant to this subsection must set forth the grounds which entitle the judgment creditor to recover from the account and must include a copy of:*

- (a) *The final judgment specified in subsection 1;*
- (b) *The complaint upon which the final judgment was entered; and*

(c) *If assets are known to exist, the writ of execution that was returned unsatisfied.”.*

Amend the bill as a whole by renumbering sec. 4 as sec. 7 and adding a new section designated sec. 6, following sec. 3, to read as follows:

“Sec. 6. The amendatory provisions of sections 1 and 2 of this act do not apply to a responsible managing employee or salesman whose license is renewed before July 1, 2002.”.

Amend the title of the bill, first line, after “housing;” by inserting: “requiring a responsible managing employee or salesman to complete certain requirements for continuing education as a condition for the renewal of his license;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing manufactured housing. (BDR 43-560)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 132.

Amend section 1, page 1, line 2, by deleting “17,” and inserting “11,”.

Amend sec. 2, page 1, line 3, by deleting “17,” and inserting “11,”.

Amend sec. 2, page 1, lines 4 and 5, by deleting: “3 to 8, inclusive,” and inserting: “3, 4 and 5”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sections 8 through 13 as sections 5 through 10.

Amend sec. 8, page 2, line 14, by deleting “and infants”.

Amend sec. 8, page 2, line 15, by deleting “17,” and inserting “11,”.

Amend sec. 9, page 2, by deleting lines 20 through 23 and inserting:

“Sec. 6. 1. *Except as otherwise provided in section 8 of this act, a licensed hospital in this state that provides services for maternity care and the care of newborn children and a licensed obstetric center in this state shall not discharge a newborn child who was born in the facility until the newborn child has undergone a hearing screening for the*”.

Amend sec. 9, page 2, by deleting lines 26 through 35.

Amend sec. 9, page 2, line 37, by deleting “17,” and inserting “11,”.

Amend sec. 10, page 2, line 39, by deleting “9” and inserting “6”.

Amend sec. 10, page 2, by deleting lines 41 and 42 and inserting:

"2. A licensed hospital and a licensed obstetric center shall hire,".

Amend sec. 10, page 2, by deleting line 46 and inserting: *"in accordance with sections 2 to 11, inclusive, of this act;"*.

Amend sec. 10, page 3, line 5, by deleting: *"child or an infant,"* and inserting *"child,"*.

Amend sec. 10, page 3, by deleting lines 8 through 10 and inserting: *"child."*

4. A licensed hospital and a licensed obstetric center shall annually prepare and submit to the health division a written report concerning hearing screenings of newborn children in accordance with regulations adopted by the state board of health. The report must include, without limitation, the number of newborn children screened and the results of the screenings.

5. The health division shall annually prepare and submit to the".

Amend sec. 10, page 3, lines 11 and 12, by deleting: *"children and infants."* and inserting *"children."*.

Amend sec. 10, page 3, by deleting lines 14 and 15 and inserting: *"newborn children and any other related information submitted in accordance with the regulations of the state board of health;"*.

Amend sec. 10, page 3, line 17, by deleting *"17,"* and inserting *"11,"*.

Amend sec. 10, page 3, by deleting line 18 and inserting *"children; and"*.

Amend sec. 11, page 3, by deleting lines 20 and 21 and inserting:

"Sec. 8. A newborn child may be discharged from the licensed hospital or obstetric center in which he was born without having undergone a required hearing".

Amend sec. 11, page 3, by deleting lines 26 through 35 and inserting: *"medical file of the newborn child."*.

Amend sec. 12, page 3, by deleting lines 36 through 38 and inserting:

"Sec. 9. If a hearing screening conducted pursuant to section 6 of this act indicates that a newborn child may have a hearing loss, the physician attending to the newborn child shall recommend to the parent or legal guardian of the newborn child that the newborn child receive an in-depth hearing diagnostic evaluation.".

Amend sec. 13, page 3, by deleting lines 39 through 48 and inserting:

"Sec. 10. A licensed hospital and a licensed obstetric center shall formally designate a lead physician or audiologist to be responsible for:

1. The administration of the program for conducting hearing screenings of newborn children; and

2. Monitoring the scoring and interpretation of the test results of the hearing screenings.".

Amend the bill as a whole by deleting sec. 14 and renumbering sec. 15 as sec. 11.

Amend sec. 15, page 4, by deleting lines 6 through 14 and inserting:

"Sec. 11. 1. The health division shall create written brochures that use

terms which are easily understandable to a parent or legal guardian of a newborn child and include, without limitation:

(a) Information concerning the importance of screening the hearing of a newborn child; and

(b) A description of the normal development of auditory processes, speech and language in children.

2. The health division shall provide the brochures created pursuant to subsection 1 to each licensed hospital and each licensed obstetric center in this state. These facilities shall provide the brochures to the parents or legal guardians of a newborn child.”.

Amend the bill as a whole by deleting sections 16 through 26 and renumbering sections 27 through 29 as sections 12 through 14.

Amend sec. 29, page 9, line 25, by deleting “28, inclusive,” and inserting: “13, inclusive, of this act”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; requiring hearing screenings for newborn children unless objected to in writing by the parent or legal guardian of the newborn child; establishing the duties of hospitals and obstetric centers concerning the provision of hearing screenings; requiring the state board of health to adopt certain regulations; requiring the health division of the department of human resources to create brochures concerning hearing screenings of newborn children for distribution to the parents and legal guardians of newborn children; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires screening of certain newborn children for hearing impairments. (BDR 40-155)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 83.

Amend section 1, pages 1 and 2, by deleting lines 10 through 17 on page 1 and lines 1 through 3 on page 2, and inserting:

“other form of indebtedness unless a public hearing on the proposal is first held before the board of county commissioners and the governing body of the city [

~~2. If the trustees decide to propose the issuance of bonds, the proposal~~
that initially formed the consolidated library district pursuant to NRS

379.0221. *After such a public hearing has been held, the board of county commissioners and the governing body of the city may each:*

(a) Adopt a resolution that supports or opposes in whole or in part the proposal of the trustees of the consolidated library district; and

(b) Transmit the resolution to the debt management commission of the county in which the district is situated.

2. *A proposal for the issuance of bonds pursuant to subsection 1 must be submitted to the debt*".

Amend section 1, page 2, line 4, by deleting "situated," and inserting: "situated ~~{ }~~ for its approval or disapproval,".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to libraries; authorizing the board of county commissioners and governing body of city that initially formed consolidated library district to adopt resolutions which support or oppose in whole or in part a".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes board of county commissioners and governing body of city that initially formed consolidated library district to adopt resolutions which support or oppose in whole or in part proposal for issuance of bonds for consolidated library district. (BDR 33-1293)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 153.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 5 as sections 6 through 9 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the secretary of state finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county.

2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must

be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his determination.

4. Except as otherwise provided in subsection 6, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination and transmit the documents with the certificate to the secretary of state. A copy of this certificate must be filed in the clerk's office. *When the county clerk transmits the certificate to the secretary of state, the county clerk shall notify the secretary of state of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.*

5. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

6. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the secretary of state the documents containing the signatures of the registered voters.

7. The secretary of state may by regulation establish further procedures for carrying out the provisions of this section.

Sec. 2. NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the secretary of state from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the secretary of state shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the ~~[petitioners have]~~ number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient ~~[+]~~ plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the petition shall be deemed to qualify as of the date of receipt by the secretary of state of those certificates ,

~~[showing the petition to have reached 100 percent,]~~ and the secretary of state shall immediately so notify the petitioners and the county clerks.

3. *If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each name as requested, amend the certificate, and transmit the amended certificate to the secretary of state. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient, the petition shall be deemed to qualify as of the date of receipt by the secretary of state of the amended certificates, and the secretary of state shall immediately so notify the petitioners and the county clerks.*

Sec. 3. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more , but less than *the sum of* 100 percent of the number of signatures of registered voters needed to declare the petition sufficient ~~[+]~~ *plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015*, the secretary of state shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. *If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.*

2. If the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than *the sum of* 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county ~~[+]~~ *plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015*, the secretary of state may order the county clerk in that county to examine every signature for verification. *If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until he has removed each name as requested pursuant to NRS 295.055 or 306.015.*

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the clerk shall determine from the records of registration what number of registered voters have signed the petition. If

necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition, the clerk may use any file or list of registered voters maintained by his office or facsimiles of voters' signatures. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents of the petition an amended certificate properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the secretary of state. A copy of the amended certificate must be filed in the county clerk's office.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the secretary of state the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the secretary of state as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the state.

7. If the amended certificates received from all county clerks by the secretary of state establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the secretary of state shall also notify the officer with whom the petition is to be filed.

Sec. 4. NRS 293.12795 is hereby amended to read as follows:

293.12795 1. If an appeal is based upon the results of the verification of signatures on a petition performed pursuant to NRS 293.1277 or 293.1279, the secretary of state shall:

(a) If he finds for the appellant, order the county clerk to recertify the petition, including as verified signatures all contested signatures which the secretary of state determines are valid. *If the county clerk has not yet removed each name as requested pursuant to NRS 295.055 or 306.015, the county clerk shall do so before recertifying the petition.*

(b) If he does not find for the appellant, notify the appellant and the county clerk that the petition remains insufficient.

2. If the secretary of state is unable to make a decision on the appeal based upon the documents submitted to him, the secretary of state may order the county clerk to reverify the signatures.

3. The decision of the secretary of state is a final decision for the purposes of judicial review. The decision of the secretary of state may only be appealed in the first judicial district court.

Sec. 5. NRS 295.055 is hereby amended to read as follows:

295.055 1. The secretary of state shall by regulation specify:

(a) The format for the signatures on a petition for an initiative or referendum and make free specimens of the format available upon request. Each signature must be dated.

(b) The manner of fastening together several sheets circulated by one person to constitute a single document.

2. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document.

3. A person who signs a petition may *request that the county clerk* remove his name from it by transmitting his request in writing to the county clerk at any time before the petition is filed with the county clerk.”.

Amend sec. 3, page 3, line 45, by deleting “shall ~~reject~~” and inserting “~~shall reject~~”.

Amend sec. 3, page 3, line 46, by deleting “*Consult*” and inserting “*May consult*”.

Amend sec. 3, page 4, line 1, by deleting: “*Based on such consultation,*” and inserting “*Shall*”.

Amend sec. 5, page 6, line 33, by deleting “shall ~~reject~~” and inserting “~~shall reject~~”.

Amend sec. 5, page 6, line 34, by deleting “*Consult*” and inserting “*May consult*”.

Amend sec. 5, page 6, line 37, by deleting: “*Based on such consultation,*” and inserting “*Shall*”.

Amend the bill as a whole by deleting sec. 6, renumbering sec. 7 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 5, to read as follows:

“Sec. 10. NRS 306.015 is hereby amended to read as follows:

306.015 1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the filing officer.

2. The notice of intent:

(a) Must be signed by three registered voters who actually voted in this state or in the county, district or municipality electing the officer at the last preceding general election.

(b) Must be signed before a person authorized by law to administer oaths that the statements and signatures contained in the notice are true.

(c) Is valid until the date on which the call for a special election is issued, as set forth in NRS 306.040.

3. The petition may consist of more than one document. The persons filing the notice of intent shall submit the petition that was circulated for signatures to the filing officer within 60 days after the date on which the notice of intent was filed. The filing officer shall immediately submit the petition to the county clerk for verification pursuant to NRS 306.035. Any person who fails to file the petition as required by this subsection is guilty of

a misdemeanor. Copies of the petition are not valid for any subsequent petition.

4. The county clerk shall, upon completing the verification of the signatures on the petition, file the petition with the filing officer.

5. Any person who signs a petition to recall any public officer may *request that the county clerk* remove his name from the petition by submitting a request in writing to the county clerk at any time before the petition is submitted for the verification of the signatures thereon pursuant to NRS 306.035.

6. A person who signs a notice of intent pursuant to subsection 1 or a petition to recall a public officer is immune from civil liability for conduct related to the exercise of his right to participate in the recall of a public officer.

7. As used in this section, “filing officer” means the officer with whom the public officer to be recalled filed his declaration of candidacy or acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175.

Sec. 11. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the secretary of state shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the secretary of state to strike his name from the petition. If the person demonstrates good cause therefor ~~[-]~~ *and the number of such requests received by the secretary of state could affect the sufficiency of the petition*, the secretary of state shall strike ~~his~~ *the name of the person* from the petition.

3. Not sooner than 10 days nor more than 20 days after the secretary of state completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall him.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; and

(b) The last day on which a petition to nominate other candidates for the office may be filed.

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the secretary of state completes the notification

required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall him. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.”.

Amend the title of the bill by deleting the fifth through ninth lines and inserting: “the appointment and duties of such committees; authorizing the county clerk and city clerk to consult with certain persons before determining whether to reject certain statements in arguments and rebuttals prepared by such committees; providing that signatures must be removed from certain petitions, upon request, only if the removal of such signatures could affect the sufficiency of the petitions; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to ballot questions and petitions. (BDR 24-598)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 234.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 and 6 as sections 1 and 2.

Amend sec. 5, page 5, by deleting line 12 and inserting: “NRS 484.3795, a person who violates the”.

Amend sec. 5, page 5, line 17, after “in” by inserting: “*subparagraph (4) or*”.

Amend sec. 5, page 5, by deleting lines 26 and 27 and inserting: “identifies him as having violated the provisions of NRS 484.379; ~~and~~

(3) Fine him not less than \$400 nor more than \$1,000 ~~[-]~~; and

(4) *If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.*”.

Amend sec. 5, page 5, by deleting line 41 and inserting:

“(4) May order”.

Amend sec. 5, page 5, line 46, by deleting “paragraph” and inserting “[~~paragraph~~] subsection”.

Amend sec. 5, page 6, line 41, by deleting:

“or *subparagraph (4) of paragraph (b)*” and inserting: “[~~or (b)~~]”.

Amend sec. 5, page 7, by deleting lines 7 and 8 and inserting:

“8. As used in this section, unless the context otherwise requires ~~for~~ ~~“offense”~~ :

(a) “*Concentration of alcohol of 0.18 or more in his blood or breath*” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) “*Offense*” means:”.

Amend sec. 5, page 7, line 9, by deleting “(a)” and inserting “[~~(a)~~] (1)”.

Amend sec. 5, page 7, line 10, by deleting “(b)” and inserting “[~~(b)~~] (2)”.

Amend sec. 5, page 7, line 14, by deleting “(c)” and inserting “[~~(c)~~] (3)”.

Amend sec. 6, page 7, by deleting line 19 and inserting:

“*person who is found to have a concentration of alcohol of 0.18 or more in his blood or breath, may, at*”.

Amend the bill as a whole by deleting sec. 7 and renumbering sec. 8 as sec. 3.

Amend sec. 8, page 10, by deleting lines 16 and 17 and inserting: “paragraph (a) or (b) of subsection 1 of NRS 484.3792, the court shall place the offender”.

Amend sec. 8, page 10, by deleting lines 44 through 46 and inserting: “program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792.”.

Amend the bill as a whole by deleting sec. 9 and renumbering sec. 10 as sec. 4.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to traffic laws; requiring an offender convicted of a first offense of driving under the influence of intoxicating liquor or a controlled substance to attend a program of treatment for the abuse of alcohol or drugs when the concentration of”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires offender convicted of first offense of driving under influence of intoxicating liquor or controlled substance to attend program of treatment when concentration of alcohol in blood or breath of offender is 0.18 or more. (BDR 43-587)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 315 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 335.

Bill read second time.

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

Amendment No. 178.

Amend section 1, pages 1 and 2, by deleting lines 14 through 17 on page 1 and lines 1 and 2 on page 2, and inserting: “*shall, after notice and opportunity for a hearing:*

(a) *Impose upon the person an administrative fine of \$10,000; or*

(b) *Enter into a written consent agreement with the person pursuant to which the person agrees to cease and desist from all unlicensed activity in this state relating to the collection of debts, and impose upon the person an administrative fine of not less than \$5,000 and not more than \$10,000.*

The imposition of an administrative fine pursuant to this subsection is a final decision for the purposes of judicial review.

4. *The commissioner shall bring suit in the name and on behalf of the State of Nevada against a person upon whom an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine:*

(a) *If no petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for more than 90 days after notice of the imposition of the fine; or*

(b) *If a petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for more than 90 days after exhaustion of any right of appeal in the courts of this state resulting in a final determination that upholds the imposition of the fine.”.*

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 139.

Amend section 1, page 1, line 3, by deleting “*subsection 2,*” and inserting: “*subsections 2 and 4,*”.

Amend section 1, page 1, by deleting lines 12 through 17 and inserting:

“(a) *Upon the bed of a flatbed truck; or*

(b) *Within the bed of a pickup truck.*

2. *A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the person is:”.*

Amend section 1, page 2, by deleting lines 12 through 18 and inserting:

“4. *The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.”.*

Amend the title of the bill by deleting the second and third lines and inserting: “person to ride upon the bed of a flatbed truck or within the bed of a pickup truck under certain circumstances; providing a”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 211.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting:

“48.061 1. Evidence of domestic violence ~~[as defined in NRS 33.018]~~ and expert testimony concerning the effect of domestic violence , *including, without limitation, the effect of physical, emotional or mental abuse*, on the beliefs, behavior and perception of the person alleging the domestic violence *that is offered by the prosecution or defense* is admissible in ~~[chief and in rebuttal]~~ a criminal proceeding when determining:”.

Amend section 1, page 1, by deleting lines 12 through 18.

Amend section 1, page 1, line 19, by deleting “3.” and inserting “2.”.

Amend sec. 2, page 2, line 2, by deleting “2001.” and inserting “2002.”.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. This act becomes effective on October 1, 2002.”.

Amend the title of the bill by deleting the second line and inserting: “concerning the effects of domestic violence and evidence of domestic violence are admissible in a criminal”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions concerning admissibility of evidence in certain cases involving domestic violence. (BDR 4-1175)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 155.

Amend section 1, page 1, line 3, by deleting “*performance*”.

Amend sec. 2, page 2, by deleting lines 19 through 21 and inserting: “proposals is advertised. The weight of each factor must not”.

Amend sec. 2, page 2, by deleting line 25 and inserting: “based on the best interests of the state , *as determined by the total scores assigned pursuant to subsection 3*, and is not required to accept the”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 435.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 212.

Amend section 1, page 1, line 6, by deleting “*made*” and inserting “*presented*”.

Amend section 1, page 1, line 9, by deleting “*made*” and inserting “*presented*”.

Amend section 1, page 1, line 12, by deleting “*made*” and inserting “*presented*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 164.

Amend section 1, page 1, line 5, by deleting “*state.*” and inserting: “*state who work an average of more than 20 hours per week.*”.

Amend section 1, page 2, between lines 13 and 14, by inserting:

“8. *As used in this section, “employee” means a person in the classified or unclassified service of the state who works an average of more than 20 hours per week.*”.

Amend the title of the bill, third line, before “persons” by inserting “certain”.

Amend the summary of the bill to read as follows:

“SUMMARY—Establishes account for payment of certain benefits to certain state employees. (BDR 23-1202)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to Concurrent Committee on Ways and Means.

Assembly Bill No. 646.

Bill read second time and ordered to third reading.

Assembly Bill No. 556.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 235.

Amend the bill as a whole by deleting sec. 7 and adding:

“Sec. 7. (Deleted by amendment.)”.

Amend the title of the bill by deleting the sixth and seventh lines and inserting “requiring certain”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions governing authority of state board of examiners and requirements for certain agreements for interlocal cooperation between public agencies. (BDR 31-565)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 44 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 44.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 255.

Amend the bill as a whole by deleting sec. 4 and adding:

“Sec. 4. (Deleted by amendment.)”.

Amend sec. 9, page 6, line 20, by deleting “1” and inserting “5”.

Amend sec. 9, page 6, line 26, by deleting “1” and inserting “5”.

Amend sec. 9, page 6, line 29, by deleting: “2 to 8, inclusive,” and inserting: “1 to 4, inclusive, and 6, 7 and 8”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblymen de Braga, Chowning, Parks, Carpenter and Lee.

Potential conflict of interest declared by Assemblymen Chowning, Parks, Carpenter and Lee.

Roll call on Assembly Bill No. 28:

YEAS—42.

NAYS—None.

Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 34:

YEAS—42.

NAYS—None.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblymen Brower and Dini.

Roll call on Assembly Bill No. 55:

YEAS—42.

NAYS—None.

Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblymen Brown and Chowning.

Roll call on Assembly Bill No. 162:

YEAS—42.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 201:

YEAS—42.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229.

Bill read third time.

Remarks by Assemblymen Bache, Chowning and Beers.

Roll call on Assembly Bill No. 229:

YEAS—42.

NAYS—None.

Assembly Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblymen Marvel and de Braga.

Potential conflict of interest declared by Assemblywoman de Braga.

Roll call on Assembly Bill No. 361:

YEAS—42.

NAYS—None.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 377:

YEAS—42.

NAYS—None.

Assembly Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 538.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 538:

YEAS—42.

NAYS—None.

Assembly Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 659.

Bill read third time.

Remarks by Assemblymen Williams and Giunchigliani.

Roll call on Assembly Bill No. 659:

YEAS—42.

NAYS—None.

Assembly Bill No. 659 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblymen Dini and Tiffany.

Roll call on Assembly Bill No. 152:

YEAS—42.

NAYS—None.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Douglas Truhill and Thomas Hunter be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 236, 607, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblymen Anderson, Leslie, Giunchigliani, Williams, Parnell, Angle, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Ocegüera, Ohrenschall, Parks, Perkins, Price, Smith and Tiffany; Senator Neal:

Assembly Concurrent Resolution No. 21—Directing the Legislative Commission to conduct an interim study of issues regarding the death penalty and related DNA testing.

Assemblyman Anderson moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Irwin.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Art Brothers and Chuck McCown.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Amburn and Lue Ann Amburn.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Marsha Lindsey.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Victor Slaughter and Don Mello.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Dawn Van Sickle, Dianne Laird, Gloria Kunz, Stacie Paterson, Phyllis Priester, Kim Menesini, Dru Service, Selena Richardson, Marissa Arceo, John Bidlake Prichard, Meghann Brower, Teryn Cortez, Russell Fay, Richard Fozard, Salvador Gamez, Kyla Grigg, Devanie Hampton, Georgina Henderson, Francisco Hernandez, Alexa Jackson, Steven Kunz, Elise Laird, Cory Lindberg, Kristopher Marshall, Whitney McGill, Luis Melgarejo, Thomas Paterson, Benjamin Raatz, Cody Richardson, Sarah Sikora, Ryan Stewart, Scott Thornton, Rebecca Van Sickle, Brandon Weiner, Phillip Wilcox, Louis Barr, John Beeler, Blanca Cardenas, Darren Crickon, Yvonne Dorado, Michael Echo, Josef Favia, Trace Feemster, Danelle Freitas, Tasha Gaskill, Jacob Jackson, Dezaray Kirk, Michael Loewe, Cassandra Miller, Rebecca Nolan, Donald Parker, Vincent Piazza, Ashley Priester, Anthony Randone/Onstott, Ryan Ransdell, Zachary Rispin, Travis Rosenberry, Vadim Skrynnik, Andrew Thomas, Bryon Trigueros, Kyle Walker, Kierstyn Wutch, Lacey Baratti, Sierra Barnwell, Brianne Barras, Justin Benitez, Kevin Brown, Jr., Justin Byars, Jessica Davidson, Brittany Davis, Christopher Dessaussios, Nickolas Fisher, Zachary Fitchett, Trisha Fitzgerald, Jessica Greer, Samantha Harris, Evan McCoy, Kaylee McDermott, Thomas Milani, Curtis Newbury, Amber Patterson, Paul Pishnak, Gabriel Ramirez, Andrew Redwine, Shane Richardson, Evan Sanborn, Jiri Stach II, Roslyn Timmerman, Cody Tsuchimoto and James Greene.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kurt Rasmussen.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Chicoine.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to John Christian III.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Johnson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Atchian and Rick Corelli.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Massy, Sean Sablam, Paul Roland, Karen Reisman and Ira Allan.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Calvert Lyon.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 13, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:41 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 13, 2001

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Reverend Richard Campbell.

Almighty and Most Gracious God, it is to You that we look for every good and perfect gift. It is to You that we direct our thanksgiving this day. We give thanks for a night of rest and the beauty of a new day. Be present with us and guide us. Make us aware of the needs of the people and grant us wisdom, compassion and love to serve them in our actions. Bless this legislative body, give them strength and courage to do Your will. We pray in Your name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 341, 628, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 204, 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 660, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 451, 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 558, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 582, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 632, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 653, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 641, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and re-refer to the Committee on Ways and Means.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 609, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Vice Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

CHRIS GIUNCHIGLIANI, *Vice Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 175 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 87 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 93 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 569 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 662 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 196 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 335 be taken from the General File and be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 580 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Leslie moved that Assembly Bill No. 250 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 83 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 11, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 306, 472, 492.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 61, 63.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by the Select Committee on Energy.

For: Assembly Bill No. 661.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day). With the following Conditions:

May only be passed out of final committee of house of origin on or before April 23, 2001.

Has been granted effective: April 12, 2001.

WILLIAM J. RAGGIO

Senate Majority Leader

RICHARD D. PERKINS

Speaker of the Assembly

A Waiver requested by the Senate Committee on Commerce and Labor.

For: Senate Bill No. 421.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 78th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

With the following Conditions:

May only be passed out of final committee of house of origin on or before April 26, 2001.

May only be passed out of house of origin on or before May 01, 2001.

May only be passed out of final committee of second house on or before May 25, 2001.

May only be passed out of second house on or before May 29, 2001.

Has been granted effective: April 12, 2001.

WILLIAM J. RAGGIO

Senate Majority Leader

RICHARD D. PERKINS

Speaker of the Assembly

By Assemblymen Leslie and Anderson:

Assembly Concurrent Resolution No. 22—Directing the Legislative Commission to conduct and interim study relating to co-occurring disorders.

Assemblywoman Leslie moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Manendo, Goldwater, Buckley, Parks, McClain, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Marvel, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Titus, Schneider, Coffin, O'Connell, Carlton, Amodei, Care, Jacobsen, Mathews, McGinness, Neal, Porter, Raggio, Rawson, Rhoads, Shaffer, Townsend and Wiener:

Assembly Joint Resolution No. 13—Urging Congress to eliminate inequities in the payment of social security benefits based on the year that persons initially became eligible for those benefits.

Assemblyman Manendo moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Concurrent Resolution No. 6.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 61.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 63.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 306.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 472.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 492.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 180.

Amend the bill as a whole by deleting sections 1 through 10, renumbering sections 11 through 13 as sections 9 through 11 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

“Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *The department may issue a driver's license to a person who is 16 or 17 years of age if:*

(a) *Except as otherwise provided in subsection 2, he has completed a course:*

(1) *In automobile driver education pursuant to NRS 389.090; or*

(2) *Provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090;*

(b) *He has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;*

(c) *He submits to the department a form provided by the department that is signed:*

(1) *By his parent or legal guardian; or*

(2) *If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,*

which attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) *He has not been found to be responsible for a motor vehicle accident during the 6 months before he applies for the driver's license;*

(e) *He has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before he applies for the driver's license; and*

(f) He has held an instruction permit for not less than 6 months before he applies for the driver's license.

2. A person who is 16 or 17 years of age and who:

(a) Resides in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000; and

(b) Is not enrolled in a school or is enrolled in a school that does not offer automobile driver education,
is not required to complete a course as required pursuant to paragraph (a) of subsection 1.

Sec. 3. 1. Except as otherwise provided in subsection 2, a person to whom a driver's license is issued pursuant to section 2 of this act shall not, during the first 4 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age.

2. A person to whom a driver's license is issued pursuant to section 2 of this act may transport as a passenger a member of his immediate family, regardless of the age of the family member.

Sec. 4. 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of section 3 of this act. A citation may be issued for a violation of section 3 of this act only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.

2. A violation of section 3 of this act:

(a) Is not a moving traffic violation pursuant to NRS 483.473; and

(b) Is not grounds for suspension or revocation of the driver's license pursuant to NRS 483.360.

Sec. 5. The department:

1. Shall, with respect to a driver's license that is issued pursuant to section 2 of this act:

(a) Include on the face of the license the original date on which the license was issued; or (b) Otherwise indicate that the license is for use by a person who:

(1) Is 16 or 17 years of age; and

(2) Satisfied the requirements set forth in section 2 of this act before receiving the license;

2. May issue drivers' licenses pursuant to section 2 of this act with distinguishing characteristics which clearly indicate that the licensee is 16 or 17 years of age; and

3. May adopt regulations necessary to carry out the laws governing the issuance of drivers' licenses pursuant to section 2 of this act.

Sec. 6. A restriction on or suspension of the driver's license of a person who is under 18 years of age remains in effect until the end of the term of the restriction or suspension even if the person becomes 18 years of age before the end of the term of the restriction or suspension.

Sec. 7. NRS 483.250 is hereby amended to read as follows:

483.250 The department shall not issue any license under the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) ~~{Except as otherwise provided in paragraph (e), a license to a person between the ages of 16 and 18 years who has completed a course:~~

~~(1) In automobile driver education pursuant to NRS 389.090; or~~

~~(2) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090,~~

~~and who has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280. The parent or legal guardian of a person who desires to obtain a license pursuant to this paragraph must sign and submit to the department a form provided by the department which attests that the person who desires a license has completed the training and experience required by this paragraph.~~

~~(e) A license to a person who is between the ages of 16 and 18 years if:~~

~~(1) The public school in which he is enrolled is located in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000;~~

~~(2) The public school does not offer automobile driver education;~~

~~(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280; and~~

~~(4) His parent or legal guardian signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the experience required by subparagraph (3).] A driver's license to a person who is 16 or 17 years of age pursuant to the provisions of section 2 of this act.~~

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but, upon good cause shown to the administrator, the department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this state.

8. To any child who is the subject of a court order issued pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.225, 62.226 or 62.228 which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

Sec. 8. NRS 483.255 is hereby amended to read as follows:

483.255 The department shall adopt regulations that set forth the number of hours of training which a person whose age is less than 18 years must complete in a course provided by a school for training drivers to be issued a *driver's* license pursuant to subparagraph (2) of paragraph ~~((d))~~ (a) of subsection 1 of ~~[NRS 483.250.]~~ *section 2 of this act*. The regulations must require that the number of hours that must be completed by such a person be comparable to the number of hours of instruction which would be required of such a person if he completed his training in a course provided pursuant to NRS 389.090.”

Amend sec. 14, page 7, by deleting line 37 and inserting:

“Sec. 12. 1. The provisions of section 3 of this act do not apply to”.

Amend sec. 14, page 7, line 42, by deleting “11” and inserting “9”.

Amend the bill as a whole by renumbering sec. 15 as sec. 13.

Amend the title of the bill by deleting the first line and inserting:

“AN ACT relating to motor vehicles; making various changes concerning the issuance of drivers’ licenses to persons who”.

Amend the bill as a whole by adding the following senator as a primary joint sponsor:

Senator Care.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 192.

Bill read second time.

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

Amendment No. 248.

Amend section 1, page 1, by deleting lines 10 through 13 and inserting:
“(b) Have at least ~~two~~ :

(1) *Two* instructors on the premises of the barber school at all times if the active enrollment of the school is ~~[20 or more students and at least two]~~ *10 students or less;*”.

Amend section 1, page 1, by deleting line 16 and inserting:

“(3) *Two* instructors available to provide instruction at all times; ~~and~~”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 221.

Amend the bill as a whole by renumbering sec. 5 as sec. 8 and adding new sections designated sections 5 through 7, following sec. 4, to read as follows:

“Sec. 5. NRS 502.030 is hereby amended to read as follows:

502.030 1. Licenses granting the privilege to hunt, fish or trap as provided in this Title must be of such *a* form as is deemed necessary by the division, but must include the following information:

(a) The holder’s name, address and description.

(b) The date issued.

(c) The ~~[expiration date thereof.]~~ *period of validity.*

(d) The correct designation as to whether a fishing, hunting or trapping license.

(e) A statement to be signed by the holder: “I, the signator holder in signing this license, hereby state that I am entitled to this license under the laws of the State of Nevada and that no false statement has been made by me to obtain this license.”

2. The commission may provide rules and regulations requiring an applicant to exhibit proof of his identity and residence. Such information must be included on the license as is deemed necessary by the division.

3. The commission may provide rules and regulations establishing a permanent licensing system. Such *a* system may authorize the use of applications for the issuance of temporary hunting, fishing and trapping licenses for residents and the issuance of annual licenses therefrom. The system may provide for the automatic renewal and validation of the annual license.

4. The commission may provide regulations covering the method of applying for, the term and expiration date of any license required by this Title to be issued without the payment of a fee.

Sec. 6. NRS 502.040 is hereby amended to read as follows:

502.040 1. The commission shall adopt regulations regarding:

- (a) The standards to be met by license agents in the performance of their duties;
- (b) The requirements for the furnishing of surety bonds by license agents;
- (c) The manner of remitting money to the division; and
- (d) The manner of accounting for licenses, tags, stamps and permits received, issued, sold or returned.

A license agent's authority may be revoked by the division for his failure to abide by the regulations of the commission. The agent may appeal to the commission for reinstatement.

2. A license agent designated by the division is responsible for the correct issuance of all licenses, tags, stamps and permits entrusted to him, and, so far as he is able, for ensuring that no licenses are issued upon the false statement of an applicant. Before issuing any license, the license agent shall satisfy himself of the identity of the applicant and the place of his residence, and may require any applicant to present proof of his identity and residence.

3. A license agent is responsible to the division for the collection of the correct and required fee, for the safeguarding of the money collected by him, and for the prompt remission to the division for deposit in accordance with NRS 501.356 of all money collected. The division shall furnish to the license agent receipts for all money which he remits to it. A license agent shall furnish a receipt to the division of all licenses, tags, stamps or permits which he receives from it.

4. For each license, tag, stamp or permit he sells, a license agent is entitled to receive a service fee of:

- (a) One dollar for each license, tag or permit, in addition to the fee for the license, tag or permit; and
- (b) Ten cents for each stamp . ~~[or similar document issued which does not require completion by the agent.]~~

5. Any person authorized to enforce this chapter may inspect, during the license agent's normal business hours, any record or document of the agent relating to the issuance of any such license, tag or permit.

6. All money collected by a license agent, except service fees collected pursuant to subsection 4, is public money of the State of Nevada, and the state has a prior claim for the amount of money due it upon all assets of the agent over all creditors, assignees or other claimants. The use of this money for private or business transactions is a misuse of public funds and punishable under the laws provided.

Sec. 7. NRS 502.090 is hereby amended to read as follows:

502.090 1. ~~[All licenses]~~ *Each license* issued as provided in this chapter ~~[are]~~ *is* valid, and ~~[authorize]~~ *authorizes* the person to whom *it* is issued to hunt, to fish or to trap during open seasons only ~~[on and from the date of issuance of the license until the date of expiration printed thereon.]~~ *during the period specified on the license.*

2. Except as otherwise provided in subsection 3 of NRS 502.015 ~~[,]~~ and unless suspended or revoked, each fishing license, hunting license and combined hunting and fishing license is valid :

(a) From the date the license is issued until the last day of the next succeeding February; or

(b) From the first day of March immediately following the date the license is issued until the last day of the next succeeding February ~~[after its issuance,]~~ as specified on the license.”.

Amend the bill as a whole by renumbering sections 6 through 10 as sections 12 through 16 and adding new sections designated sections 9 through 11, following sec. 5, to read as follows:

“Sec. 9. NRS 502.300 is hereby amended to read as follows:

502.300 1. Except as otherwise provided in subsection 2, it is unlawful for any person to hunt any migratory game bird, except jacksnipe, coot, gallinule, western mourning dove, white-winged dove and band-tailed pigeon, unless at the time he is hunting he carries on his person ~~[an]~~ :

(a) An unexpired state duck stamp validated by his signature in ink across the face of the stamp ~~[,]~~ ; or

(b) Such documentation as the division provides via the Internet as proof that he has paid to the division, for the licensing period that includes the time he is hunting, the same fee as that required pursuant to subsection 3 for the purchase of an unexpired state duck stamp for that period.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is under the age of 12 years; or

(b) Is 65 years of age or older.

3. Unexpired duck stamps must be sold for a fee of not more than \$5 each by the division and by persons authorized by the division to sell hunting licenses. The commission shall establish the price to be charged by the division or agents of the division for expired duck stamps, and the fee for unexpired duck stamps within the limit provided.

4. The division shall determine the form of the stamps.

Sec. 10. NRS 502.310 is hereby amended to read as follows:

502.310 All money ~~[from the sale of state duck stamps]~~ received pursuant to NRS 502.300 must be deposited with the state treasurer for credit to the wildlife account in the state general fund. The division shall maintain separate accounting records for the receipt and expenditure of that money . ~~[from the sale of state duck stamps.]~~ An amount not to exceed 10 percent of that money may be used to reimburse the division for the cost of administering the state duck stamp programs. This amount is in addition to compensation allowed persons authorized to issue and sell licenses.

Sec. 11. NRS 502.322 is hereby amended to read as follows:

502.322 1. Before the division may undertake any project using money ~~[from the sale of state duck stamps,]~~ received pursuant to NRS 502.300, it shall analyze the project and provide the commission with recommendations as to the need for the project and its feasibility.

2. Money ~~[from the sale of state duck stamps]~~ received pursuant to NRS 502.300 must be used for projects approved by the commission for the protection and propagation of migratory game birds, and for the acquisition, development and preservation of wetlands in Nevada.”.

Amend sec. 6, page 3, by deleting lines 4 and 5 and inserting: “fishing he carries on his person ~~[a]~~ :

(a) *An unexpired state trout stamp affixed to his fishing license and validated by his signature in ink across the face of the stamp ~~[]~~ ; or*

(b) *Such documentation as the division provides via the Internet as proof that he has paid to the division, for the licensing period that includes the time he is fishing, the same fee as that required pursuant to subsection 3 for the purchase of a state trout stamp for that period.”*

Amend sec. 6, page 3, line 16, by deleting “commission.” and inserting: “commission in an amount that does not exceed \$10 for each stamp.”.

Amend sec. 7, page 3, by deleting line 19 and inserting:

“502.327 1. All money ~~[from the sale of state trout stamps]~~ received pursuant to NRS 502.326 must be”.

Amend sec. 7, page 3, by deleting lines 27 and 28 and inserting:

“(a) *Maintain separate accounting records for the receipt of money pursuant to NRS 502.326 and the expenditure of that money . ~~[from the sale of state trout stamps.]~~ ”.*

Amend sec. 9, page 3, line 38, by deleting “6” and inserting “12”.

Amend sec. 10, page 3, by deleting line 42 and inserting:

“Sec. 16. 1. This section and sections 1 to 7, inclusive, and 9 to 15,”.

Amend sec. 10, page 3, line 44, by deleting “5” and inserting “8”.

Amend the title of the bill, second line, after “resources;” by inserting: “making various changes regarding the form and period of validity of certain licenses, the fees of license agents and the issuance and possession of certain stamps;”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 181.

Amend section 1, page 2, line 27, after “consecutively.” by inserting: “*A person who is serving a second consecutive term and who voluntarily resigns or is replaced pursuant to subsection 8 or 9 must not be reappointed to an additional term within 1 year after the expiration of the second consecutive term to which he was appointed.”.*

Amend section 1, page 2, line 34, by deleting “shall” and inserting: “may remove the member and”.

Amend section 1, page 2, line 36, by deleting “*The*” and inserting: “*Except as otherwise provided in subsection 7, the*”.

Amend sec. 2, page 3, line 15, after “revenues” by inserting: “*at one or more additional meetings held in the state*”.

Amend the title of the bill, second line, by deleting “requiring” and inserting “authorizing”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 236 be taken from the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 213.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 3, page 2, line 32, after “of” by inserting: “section 1 of”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; providing that an instructor for a school for training drivers who provides instruction solely to applicants for commercial drivers’ licenses is not required to complete requirements for continuing education; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY— Provides that certain instructors for schools for training drivers are not required to complete requirements for continuing education. (BDR 43-1173)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 277.

Bill read second time and ordered to third reading.

Assembly Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 131.

Amend section 1, page 1, line 4, by deleting “each” and inserting: “*processing each application for a*”.

Amend section 1, page 1, by deleting lines 8 through 18 and inserting:

“(a) *Programs for the management and control of injurious predatory wildlife;*

(b) *Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and related wildlife habitat;*

(c) *Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and*

(d) *Programs for the education of the general public concerning the management and control of predatory wildlife.*

2. *The division of wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the state department of agriculture to develop and carry out the programs described in subsection 1.*

3. *The money in the wildlife account remains in the account and does not revert to the state general fund at the end of any fiscal year.”.*

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 502.255 is hereby amended to read as follows:

502.255 The division shall account separately for the money received from fees for processing applications for tags and , *except as otherwise provided in section 1 of this act*, use that money only for all of the division’s direct and indirect costs associated with the system of applications and drawings for, and the issuance of, tags.

Sec. 3. This act becomes effective on January 1, 2002.”.

Amend the title of the bill, first line, by deleting: “for game tags” and inserting: “for processing an application for a game tag”.

Amend the summary of the bill to read as follows:

“SUMMARY—Imposes additional fee for processing application for game tag for support of programs to control predators and protect wildlife habitat. (BDR 45-160)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

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

Amendment No. 173.

Amend section 1, page 2, line 17, by deleting “state.” and inserting: “state, or to a person who is acting as a volunteer fireman in this state and is entitled to the benefits of this chapter and chapters 616B, 616C and 616D of NRS pursuant to the provisions of NRS 616A.145.”.

Amend sec. 2, page 3, line 35, by deleting: “at the time” and inserting: “~~at the time~~ within 30 days after the date”.

Amend sec. 4, page 4, by deleting lines 10 through 13 and inserting: “of his employment if, before the date of any temporary or permanent disability or death resulting from the hepatitis, the employee:

(a) Has been continuously employed for 5 years or more as a full-time salaried fireman or emergency medical attendant in this state; or

(b) Has been acting as a volunteer fireman in this state continuously for 5 years or more and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145.”.

Amend sec. 4, page 4, line 21, by deleting “fireman or” and inserting: “or volunteer fireman or an”.

Amend sec. 4, page 4, line 26, by deleting “section apply” and inserting: “section:

(a) Except as otherwise provided in paragraph (b), do not apply to a fireman or emergency medical attendant who is diagnosed with hepatitis upon employment.

(b) Apply to a fireman or emergency medical attendant who is diagnosed with hepatitis upon employment if, during the employment or within 1 year after the last day of the employment, he is diagnosed with a different strain of hepatitis.

(c) Apply”.

Amend sec. 5, page 5, line 2, by deleting “state;” and inserting: “state, or is acting as a volunteer fireman in this state and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145;”.

Amend sec. 5, page 5, line 5, after “state,” by inserting: “or had at any time acted as a volunteer fireman in this state continuously for 5 years or more and was entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145;”.

Amend sec. 5, page 5, line 14, after “state,” by inserting: “or had at any time acted as a volunteer fireman in this state continuously for 5 years or more and was entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145;”.

Amend the title of the bill, second line, by deleting “salaried”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 237.

Amend sec. 4, page 3, line 25, before “The” by inserting “I.”.

Amend sec. 4, page 3, between lines 33 and 34, by inserting: “2. *In addition to the coverage provided by the vehicle dealer’s bond pursuant to subsection 1, the dealer shall procure a separate bond for:*

(a) *Each place of business operated in this state by the dealer that is located outside the county of the dealer’s principal office; and*

(b) *Each place of business operated by the dealer under a different name.”.*

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 363.

Bill read second time and ordered to third reading.

Assembly Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 144.

Amend the bill as a whole by adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.”.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

“Sec. 2. 1. *The director shall include in the state plan for Medicaid a”.*

Amend section 1, page 2, line 1, by deleting “300” and inserting “200”.

Amend section 1, page 2, line 8, after “*benefit.*” by inserting: “*The beneficiary is also responsible for paying any enrollment fee, premium, deduction, charge for cost sharing and other similar charge as may be required by the demonstration project.*”.

Amend section 1, page 2, line 10, by deleting “*subsidy.*” and inserting: “*subsidy, within 7 days after the prescription drug was provided to the beneficiary.*”.

Amend section 1, page 2, line 11, after “3.” by inserting:

"The department shall not charge a provider that provides prescription drugs pursuant to this section for any administrative cost that results from a transaction made pursuant to this section.

4. The department shall establish a computerized system for carrying out the provisions of this section. The system must include, without limitation, a method for:

- (a) Providers to have immediate access to Medicaid rates;*
- (b) Providers to submit claims through the system; and*
- (c) Processing claims submitted by providers.*

5."

Amend section 1, page 2, line 22, by deleting "4." and inserting "6."

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. The discounted prescription drug benefit program fund is hereby created as an agency fund, to be administered by the director. All money collected or otherwise received by the department to carry out the provisions of section 2 of this act must be deposited in the fund. The fund is a continuing fund without reversion. Any interest and income earned on the money in the fund must, after deducting any applicable charges, be credited to the fund."

Amend sec. 2, page 2, line 38, by deleting "section 1" and inserting: "sections 2 and 3".

Amend sec. 2, page 2, line 44, by deleting "section 1" and inserting: "sections 2 and 3".

Amend the bill as a whole by renumbering sections 3 through 5 as sections 6 through 8 and adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. NRS 422.245 is hereby amended to read as follows:

422.245 Any federal money allotted to the State of Nevada for public assistance programs and other programs for which the welfare division or the division of health care financing and policy is responsible and such other money as may be received by the state for such purposes must, except as otherwise provided in NRS 425.363 [] and section 3 of this act, be deposited in the appropriate accounts of the welfare division or the division of health care financing and policy in the state general fund."

Amend sec. 3, page 3, line 12, by deleting "section 1" and inserting: "sections 2 and 3".

Amend sec. 4, page 4, line 2, by deleting "1" and inserting "2".

Amend sec. 5, page 4, line 4, by deleting "approval." and inserting: "approval and expires by limitation on June 30, 2005."

Amend the title of the bill, fifth line, after "regulation;" by inserting: "creating a fund to carry out the demonstration project;"

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 414.

Bill read second time and ordered to third reading.

Assembly Bill No. 415.

Bill read second time and ordered to third reading.

Assembly Bill No. 431.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 222.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. The public employees’ retirement board shall conduct a study regarding lump-sum optional retirement programs, including, without limitation, deferred retirement option plans, to determine whether one or more of such programs would be beneficial for members of the public employees’ retirement system and participating public employers.

2. The public employees’ retirement board shall submit a final report of the study to the legislative commission on or before August 1, 2002. If applicable, the final report must contain recommendations for legislation to carry out one or more lump-sum optional retirement programs.”.

Amend the title of the bill by deleting the second line and inserting: “retirement board to conduct a study regarding lump-sum optional retirement programs; and providing”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires public employees’ retirement board to conduct study regarding lump-sum optional retirement programs. (BDR S-985)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 553.

Bill read second time and ordered to third reading.

Assembly Bill No. 557.

Bill read second time and ordered to third reading.

Assembly Bill No. 570.

Bill read second time and ordered to third reading.

Assembly Bill No. 573.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 239.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sec. 5 as section 1.

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 2.

Amend the bill as a whole by deleting sec. 8 and renumbering sec. 9 as sec. 3.

Amend the title of the bill to read as follows:

“AN ACT relating to criminal justice; reclassifying parole and probation officers as category I peace officers; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Reclassifies parole and probation officers as category I peace officers. (BDR 23-654)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 607.

Bill read second time and ordered to third reading.

Assembly Bill No. 621.

Bill read second time and ordered to third reading.

Assembly Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 328.

Amend section 1, page 1, line 2, by deleting “\$30,884” and inserting \$31,015.09”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:18 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Koivisto, Berman, Carpenter, McClain, Nolan and Ocegüera as a Select Committee on Health and Legal Issues, with Assemblywoman Koivisto to serve as Chairman.

Assemblywoman Giunchigliani moved that upon return from the printer Assembly Bill No. 199 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that upon return from the printer Assembly Bill No. 291 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that upon return from the printer Assembly Bill No. 313 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 44:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 86:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblymen Parks and Buckley.

Roll call on Assembly Bill No. 160:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 197:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 203:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 435 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblyman Bache.

Mr. Speaker requested the privilege of the chair for the purpose of making remarks.

Roll call on Assembly Bill No. 293:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 299:

YEAS—39.

NAYS—Gibbons.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Remarks by Assemblywomen Koivisto and Chowning.

Roll call on Assembly Bill No. 383:

YEAS—32.

NAYS—Angle, Beers, Brown, Collins, Dini, Gustavson, Neighbors, Von Tobel—8.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 417:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 427:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 646.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 646:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Williams—2.

Assembly Bill No. 646 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 319.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. As soon as practicable on October 1, 2001, the state controller shall transfer the balance in the account for destitute prisoners in the prisoners’ personal property fund to the inmate welfare account within that fund.”.

Amend the title of the bill, second line, after “offenders;” by inserting: “providing for the transfer of money between certain accounts within the prisoners’ personal property fund;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 83.

Bill read third time.

The following amendment was proposed by Assemblywoman Chowning:

Amendment No. 238.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend the title of the bill to read as follows:

“AN ACT relating to vehicles; providing for the issuance under certain circumstances of a permit authorizing the operation or movement of certain heavier vehicles used to provide public mass transportation; and providing other matters properly relating thereto.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that the action whereby Assembly Bill No. 335 was re-referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 335 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Gibbons gave notice that on the next legislative day she would move to reconsider the vote whereby Assembly Bill No. 383 was this day passed.

REMARKS FROM THE FLOOR

Assemblywoman Ohrenschall requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. It's my special privilege to introduce Renee Duffy. She is the Employee of the Year for the Nevada Department of Transportation. Renee first started her career with NDOT at Battle Mountain. Now she is working in Wells. She is a heavy equipment operator. In the winter time she plows snow, in the summer she runs a motor patrol, drives a grader and a truck. As if that is not enough, she lives south of Wells on an alfalfa farm and is the operator. It should be noted, Mr. Speaker, NDOT has over 1500 employees. It is quite an honor to be chosen by your peers to be employee of the year. She was originally nominated for this recognition by the training manager, Bill Timmish. Renee served as a member of NDOT's New Employee Orientation Committee. In this assignment, Renee gave very unselfishly of her time. She produced a set of written drafts for employee's work performance, an essential part of the orientation program. Her work was professional, well thought out and exemplary. Because of her efforts, the committee saved dozens of hours of research and editing time. Mr. Timmish went on to say that Renee was a professional and a pleasure to work with. She is a great example of what makes working at NDOT so special and rewarding. Mr. Speaker, please give Renee a warm Assembly welcome.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Roger Anthony, Joellen Anthony, Beau Plumlee and Annie Plumlee.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Prosser.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Hill.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Blain Marshall and Cindy Marshall.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Bryan Carpenter, Renee Duffy and Jake Carpenter.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Leticia Rumpel.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Loretta White and Natalie Navellier.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Felecia Archer.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Noel E. Manoukian.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Lee.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Northouse and Debbie Pompa.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Chad Von Tobel.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Tate and Alton Tate.

Assemblywoman Parks moved that the Assembly adjourn until Tuesday, April 17, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:52 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 17, 2001

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Ocegüera and Parks, who were excused.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, today we pray for all those who work in this place: for those who write bills, crafting the words with care; for those who conduct hearings, and for those who listen, and for those who speak, that they may do so with fairness, thoroughness and truthfulness; for those who lobby, that they might represent their special interests also mindful of the common good; for those who photocopy and those who process words; for those who deliver the messages and answer phones; for gate keepers, chair-fetchers, go-fers and photographers; for those who make coffee and pastries, and for those who clean and make repairs; for those who record the proceedings; for presiders and deciders; for the articulate and the rambles; and for those whose humor daily refreshes the whole body. For all these we pray, O God. May they never weary in well-doing. Guide them, bless them, sustain them, by Your Grace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Manendo moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 155, 422, 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 620, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 213, 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bills Nos. 227, 443, 638, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 413, 536, 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was re-referred Assembly Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 643, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 573 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 335 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Dini moved that Assembly Bill No. 415 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Dini moved that Assembly Bill No. 620 just reported out of committee, be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Beers moved that Assembly Bill No. 483 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Beers.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 431 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 311 just reported out of committee, be placed on the Chief Clerk's desk.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 4, 150, 159, 499; Senate Joint Resolution No. 2.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 2.

Assemblyman Manendo moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

NOTICE OF EXEMPTION

April 16, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill Nos. 69, 175, 199, 285, 291, 477, 567, 569, 605, 613 and 662.

MARK STEVENS

Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 4.

Assemblyman Manendo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 150.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 159.

Assemblyman Manendo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 499.

Assemblyman Manendo moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 4, 77, 155, 166, 213, 214, 227, 246, 399, 409, 413, 422, 443, 474, 489, 499, 536, 540, 548, 554, 581, 638, 643; Assembly Joint Resolution No. 7 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill Nos. 134, 315 and 381 be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 204.

Bill read second time.

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

Amendment No. 246.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 598.0915 is hereby amended to read as follows:

598.0915 A person engages in a “deceptive trade practice” if, in the course of his business or occupation, he:

1. Knowingly passes off goods or services for sale or lease as those of another.
2. Knowingly makes a false representation as to the source, sponsorship, approval or certification of goods or services for sale or lease.
3. Knowingly makes a false representation as to affiliation, connection, association with or certification by another.
4. Uses deceptive representations or designations of geographic origin in connection with goods or services for sale or lease.

5. Knowingly makes a false representation as to the characteristics, ingredients, uses, benefits, alterations or quantities of goods or services for sale or lease or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith.

6. Represents that goods for sale or lease are original or new if he knows or should know that they are deteriorated, altered, reconditioned, reclaimed, used or secondhand.

7. Represents that goods or services for sale or lease are of a particular standard, quality or grade, or that such goods are of a particular style or model, if he knows or should know that they are of another.

8. Disparages the goods, services or business of another by false or misleading representation of fact.

9. Advertises goods or services with intent not to sell or lease them as advertised.

10. Advertises goods or services for sale or lease with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity.

11. Advertises under the guise of obtaining sales personnel when in fact the purpose is to first sell or lease goods or services to the sales personnel applicant.

12. Makes false or misleading statements of fact concerning the price of goods or services for sale or lease, or the reasons for, existence of or amounts of price reductions.

13. Fraudulently alters any contract, written estimate of repair, written statement of charges or other document in connection with the sale or lease of goods or services.

14. Knowingly makes any other false representation in a transaction.

15. *Knowingly falsifies an application for credit relating to a retail installment transaction, as defined in NRS 97.115.*

Sec. 2. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

- (a) An unlawful act as defined in NRS 119.330;
- (b) An act prohibited by NRS 482.36655 to 482.36667, inclusive;
- (c) An act prohibited by NRS 482.351; or
- (d) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive.

3. If the claimant is the prevailing party, the court shall award ~~any~~ him:

- (a) Any damages that he has sustained ~~[-]~~; and
- (b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. NRS 97.285 is hereby amended to read as follows:

97.285 ~~[The]~~ *Except as otherwise provided by specific statute, the provisions of this chapter governing retail installment transactions are exclusive, and the provisions of any other statute do not apply to retail installment transactions governed by this chapter. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.”.*

Amend the title of the bill by deleting the first through fourth lines and inserting:

“AN ACT relating to trade practices; providing that the knowing falsification of an application for credit relating to a retail installment transaction is a deceptive trade practice; requiring the award of court costs and attorney’s fees to certain victims of consumer fraud;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides that knowing falsification of application for credit relating to retail installment transaction is deceptive trade practice and requires award of court costs and attorney’s fees to certain victims of consumer fraud. (BDR 52-1091)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 253.

Amend the bill as a whole by deleting sections 1 through 13 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided by a specific statute, an agency, board, commission or political subdivision of this state, including an agency, board, commission or governing body of a local government, shall not prohibit or impose restrictions that are more stringent than those set forth in this chapter concerning any of the following events in which an animal is used:*

(a) *A rodeo;*

(b) *A livestock show or exhibition that promotes the proper care, husbandry or performance of an animal; or*

(c) *A circus or exhibition that is conducted in accordance with a permit issued by the United States Department of Agriculture.*

2. *As used in this section, “animal” has the meaning ascribed to it in NRS 574.050.*

Sec. 2. The provisions of section 1 of this act do not apply to any regulation or ordinance adopted before January 1, 2002, that prohibits or imposes restrictions that are more stringent than those set forth in chapter 574 of NRS concerning any event described in section 1.

Sec. 3. This act becomes effective on January 1, 2002.”.

Amend the title of the bill to read as follows:

“AN ACT relating to animals; prohibiting an agency, board, commission or political subdivision of this state or an agency, board, commission or governing body of a local government in this state from prohibiting or imposing certain restrictions concerning certain events in which animals are used; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing regulation of certain events in which animals are used. (BDR 50-206)”.

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 337.

Bill read second time.

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

Amendment No. 278.

Amend section 1, page 1, by deleting lines 9 through 18 and inserting:

“3. *Solicits a person by telephone at his residence between 9 p.m. and 8 a.m.; or*

4. *Blocks or otherwise intentionally circumvents any service used to identify the*”.

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 4 and 5.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 341.

Bill read second time and ordered to third reading.

Assembly Bill No. 351.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 138.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *If the board of trustees of a school district is considering whether to enter into a contract or other agreement to delegate to another its responsibility to operate, manage or oversee a school of the school district or is otherwise pursuing such a contractual relationship, the board of trustees shall provide notice to the superintendent of schools of the school district, each administrator who is employed by the board of trustees to perform administrative duties at the district level and each administrator employed at a school that is under such consideration. Each person who is so notified shall disclose to the board of trustees if he, or any member of his family who is related to him within the third degree of consanguinity or affinity, has a personal pecuniary interest in the corporation or other entity with whom the board of trustees desires to contract.*

2. *If the board of trustees of a school district is considering whether to enter into a contract or other agreement to delegate to another its responsibility to operate, manage or oversee a school of the school district or is otherwise pursuing such a contractual relationship, the board of trustees shall:*

(a) *Hold at least one public meeting regarding the potential agreement within the zone of attendance of each school that is under consideration.*

(b) *At least 5 school days before the date of the meeting, cause notice of the purpose, date and time of the meeting to be published in at least one newspaper of general circulation within the county.*

(c) *At least 5 school days before the date of the meeting, provide written notice of the meeting to each parent and legal guardian of a pupil who is enrolled in a school that is under consideration. The written notice may be included with other notices provided to parents and legal guardians of pupils if the notice is provided within the time prescribed in this paragraph.*

(d) *Take such other action as is necessary to ensure that all the parents and legal guardians of pupils who are enrolled in a school that is under consideration are aware that the board of trustees is considering whether to enter into a contract or agreement and of the date and time of the public meeting.*

3. *At a public meeting held by the board of trustees pursuant to subsection 2, the board of trustees shall:*

(a) *Provide full disclosure of the source of any donations that are expected to be made or that have been made to the proposed contractor in connection with the contract or agreement or to otherwise carry out the contract or agreement;*

(b) *Provide a written report that indicates whether a member of the board of trustees, or any member of his family who is related to him within the third*

degree of consanguinity or affinity, has a personal pecuniary interest in the corporation or other entity with whom the board of trustees desires to contract;

(c) Provide a written report that indicates whether any person who is required to make a disclosure pursuant to subsection 1, or any member of his family who is related to him within the third degree of consanguinity or affinity, has a personal pecuniary interest in the corporation or other entity with whom the board of trustees desires to contract; and

(d) Reserve a significant portion of the meeting for the board of trustees to:

(1) Receive public comment on the proposed contract or agreement; and

(2) Respond to or discuss any related questions.

4. If, after complying with the provisions of this section, the board of trustees of a school district decides to pursue a contract or other agreement to delegate to another its responsibility to operate, manage or oversee a school of the school district, the board of trustees may submit a written request for legislative approval pursuant to section 3 of this act.

Sec. 3. 1. The board of trustees of a school district shall not enter into a contract or other agreement to delegate to another its responsibility to operate, manage or oversee a school of the school district unless the board of trustees has:

(a) Complied with section 2 of this act; and

(b) Received approval to enter into the contract or agreement from the legislature by concurrent resolution.

2. The board of trustees of a school district may submit a written request for legislative approval pursuant to subsection 1 to the director of the legislative counsel bureau for transmission to the legislature. A written request must include, without limitation:

(a) A description of the manner in which the board of trustees solicited participation of the parents and legal guardians of pupils who are enrolled in a school that is under consideration, including, without limitation, a description of the public comment that was received at each public meeting which was held pursuant to section 2 of this act;

(b) A description of the source of any donations that are expected to be made or that have been made to the proposed contractor in connection with the contract or agreement or to otherwise carry out the contract or agreement;

(c) A report that indicates whether any member of the board of trustees, the superintendent of schools of the school district, any administrator who is employed by the board of trustees to perform administrative duties at the district level or any administrator employed at a school that is under consideration, or any member of the family of a person described in this paragraph who is related within the third degree of consanguinity or affinity, has a personal pecuniary interest in the corporation or other entity with whom the board of trustees desires to contract;

(d) The identity of the employees of the school district who were primarily responsible for the decisions relating to the operation and management of the school for the 4 years immediately preceding the date of the request; and

(e) If the school has been designated as demonstrating need for improvement pursuant to NRS 385.367 or 385.368 within the immediately preceding year:

(1) A description of the action taken by the school and the school district to improve the academic success of the school; and

(2) A description of the adjustments in the allocation of financial resources of the school district that are necessary to improve the academic success of the school.

3. *If a contract or other agreement for the operation, management or oversight of a school is approved by the legislature pursuant to this section, the board of trustees of the school district that enters into the agreement:*

(a) Remains responsible for complying with all applicable statutes and regulations relating to that school, including, without limitation, NRS 385.3455 to 385.391, inclusive; and

(b) If the superintendent of public instruction appoints a licensed administrator to oversee that school pursuant to NRS 385.386, shall ensure that the person or entity with whom the board has entered into the contract or agreement complies with all recommendations and actions required by the administrator who was appointed by the superintendent of public instruction.

Sec. 4. This act applies to the board of trustees of a school district for any contract or other agreement entered into on or after the effective date of this act, regardless of whether negotiations for the contract or agreement began before that date.

Sec. 5. If the board of trustees of a school district enters into a contract or other agreement to delegate to another its responsibility for the operation, management or oversight of a school before the effective date of this act:

1. The board of trustees shall, not later than 60 days after the effective date of this act, prepare a written report available to the general public that:

(a) Provides full disclosure of the source of any donations that are expected to be made or that have been made to the contractor in connection with the contract or agreement or to otherwise carry out the contract or agreement; and

(b) Indicates whether any member of the board of trustees, the superintendent of schools of the school district, any administrator who is employed by the board of trustees to perform administrative duties at the district level or any administrator employed at a school that is covered by the contract or agreement, or any member of the family of a person described in this paragraph who is related within the third degree of consanguinity or affinity, has a personal pecuniary interest in the corporation or entity with whom the board of trustees entered into the contract.

2. The first renewal of such a contract or agreement, or an amendment that serves as a renewal of the contract or agreement, after the effective date

of this act shall be deemed for the purposes of this act to be the entrance into a new contract or agreement to which the provisions of sections 2 and 3 of this act apply. If the first renewal of such a contract or agreement, or an amendment that serves as a renewal of the contract or agreement, after the effective date of this act does not comply with the provisions of sections 2 and 3 of this act, such a renewal or amendment is void.”.

Sec. 6. This act becomes effective upon passage and approval.

Amend the title of the bill to read as follows:

“AN ACT relating to education; requiring the board of trustees of a school district to make certain disclosures, hold public meetings and solicit public comment before entering into certain contracts relating to the delegation of its responsibility for the management of public schools; requiring the board of trustees of a school district to obtain approval from the legislature before entering into such contracts; providing that certain related requirements apply to the renewal of such contracts that were entered into before the effective date of this act; and providing other matters properly relating thereto.”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Williams moved that upon return from the printer Assembly Bill No. 351 be placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 397.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 297.

Amend section 1, page 1, line 3, after “*statement*” by inserting: “*made by an alleged victim of an act that constitutes domestic violence pursuant to NRS 33.018*”.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting:

“(a) *The statement of the declarant describes or explains:*

(1) *A threat of physical injury to or the infliction of physical injury upon the declarant; or*

(2) *A threat of physical injury to or the infliction of physical injury upon a person to whom the declarant is related by blood or marriage;*”.

Amend section 1, page 2, line 2, after “*known*” by inserting “*in writing*”.

Amend the title of the bill, third line, after “*declarant*” by inserting: “*upon a person to whom the declarant is related by blood or marriage*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 451.

Bill read second time and ordered to third reading.

Assembly Bill No. 452.

Bill read second time.

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

Amendment No. 247.

Amend section 1, page 1, line 4, after “*shall*” by inserting: “*use its best efforts to*”.

Amend section 1, page 1, line 6, by deleting “*plan.*” and inserting: “*plan if the health center:*”

(a) *Meets all conditions imposed by the carrier on similarly situated providers of health care with which the carrier contracts, including, without limitation:*

(1) *Certification for participation in the Medicaid or Medicare program; and*

(2) *Requirements relating to the appropriate credentials for employees of providers of health care; and*

(b) *Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care with which the carrier contracts.”.*

Amend sec. 3, page 1, line 16, after “*shall*” by inserting: “*use its best efforts to*”.

Amend sec. 3, page 1, line 19, by deleting “*enrollees.*” and inserting: “*enrollees if the health center:*”

(a) *Meets all conditions imposed by the carrier on similarly situated providers of health care with which the carrier contracts, including, without limitation:*

(1) *Certification for participation in the Medicaid or Medicare program; and*

(2) *Requirements relating to the appropriate credentials for employees of providers of health care; and*

(b) *Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care with which the carrier contracts.”.*

Amend sec. 5, page 2, line 9, after “*shall*” by inserting: “*use its best efforts to*”.

Amend sec. 5, page 2, line 12, by deleting “*plan.*” and inserting: “*plan if the health center:*”

(a) *Meets all conditions imposed by the carrier on similarly situated providers of health care that are members of the carrier’s defined set of providers, including, without limitation:*

(1) *Certification for participation in the Medicaid or Medicare program; and*

(2) *Requirements relating to the appropriate credentials for employees of providers of health care; and*

(b) *Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care that are members of the carrier's defined set of providers."*

Amend sec. 8, page 3, line 1, after "shall" by inserting:
"use its best efforts to".

Amend sec. 8, page 3, line 3, by deleting "enrollees." and inserting:
"enrollees if the health center:

(a) *Meets all conditions imposed by the organization on similarly situated providers of health care that are under contract with the organization, including, without limitation:*

(1) *Certification for participation in the Medicaid or Medicare program; and*

(2) *Requirements relating to the appropriate credentials for employees of providers of health care; and*

(b) *Agrees to reasonable reimbursement rates that are generally consistent with those offered by the organization to similarly situated providers of health care that are under contract with the organization."*

Amend sec. 10, page 3, line 36, after "shall" by inserting:
"use its best efforts to".

Amend sec. 10, page 3, line 38, by deleting "insureds." and inserting:
"insureds if the health center:

(a) *Meets all conditions imposed by the organization on similarly situated providers of health care that are under contract with the organization, including, without limitation:*

(1) *Certification for participation in the Medicaid or Medicare program; and*

(2) *Requirements relating to the appropriate credentials for employees of providers of health care; and*

(b) *Agrees to reasonable reimbursement rates that are generally consistent with those offered by the organization to similarly situated providers of health care that are under contract with the organization."*

Amend sec. 15, page 5, line 42, by deleting: "July 1, 2001" and inserting:
"January 1, 2002."

Amend the summary of the bill to read as follows:
"SUMMARY—Requires certain providers of health insurance to contract with federally qualified health centers as providers of health care under certain circumstances. (BDR 57-1177)".

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 465.

Bill read second time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 309.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. Section 5 of Senate Bill No. 59 of this session is hereby amended to read as follows:

Sec. 5. NRS 371.045 is hereby amended to read as follows:

371.045 1. A board of county commissioners may by ordinance, but not as in a case of emergency, after receiving the approval of a majority of the registered voters voting on the question at a primary, general or special election, impose a supplemental ~~[privilege]~~ *governmental services* tax of not more than 1 cent on each \$1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the ~~[motor vehicle privilege]~~ *governmental services* tax pursuant to this chapter; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. A county may combine this question with questions submitted pursuant to NRS 244.3351, 278.710 or 377A.020, or any combination thereof.

3. A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, “emergency” means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board to provide an essential service to the residents of the county.

4. Collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax.

5. Except as otherwise provided in subsection 6 and NRS 371.047, the county shall use the proceeds of the tax to pay the cost of:

(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights of way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects or underpass projects, as defined in NRS 244A.037, 244A.053 and 244A.055, respectively:

(1) Within the boundaries of the county;

(2) Within 1 mile outside the boundaries of the county if the board of county commissioners finds that such projects outside the boundaries of the county will facilitate transportation within the county; or

(3) Within 30 miles outside the boundaries of the county and the boundaries of this state, where those boundaries are coterminous, if:

(I) The projects consist of improvements to a highway which is located wholly or partially outside the boundaries of this state and which connects this state to an interstate highway; and

(II) The board of county commissioners finds that such projects will provide a significant economic benefit to the county;

(b) Payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in paragraph (a); or

(c) Any combination of those uses.

6. The county may expend the proceeds of the supplemental ~~privilege~~ *governmental services* tax authorized by this section and NRS 371.047, or any borrowing in anticipation of that tax, pursuant to an interlocal agreement between the county and the regional transportation commission of the county with respect to the projects to be financed with the proceeds of the tax.

7. As used in this section, “based” has the meaning ascribed to it in NRS 482.011.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 465 be placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 535.

Bill read second time and ordered to third reading.

Assembly Bill No. 542.

Bill read second time and ordered to third reading.

Assembly Bill No. 547.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 294.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 8 as sections 2 through 7.

Amend sec. 8, page 8, line 4, by deleting “3” and inserting “2”.

Amend the title of the bill by deleting the second and third lines and inserting: “making various changes to”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 549.

Bill read second time and ordered to third reading.

Assembly Bill No. 558.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 236.

Amend section 1, page 1, line 5, by deleting “\$357.50” and inserting “\$368.75”.

Amend sec. 2, page 1, line 11, by deleting “\$202.34” and inserting “\$208.92”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 558 be placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 574.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 240.

Amend section 1, page 2, line 27, by deleting: “*four times convicted*” and inserting: “*convicted four times or more*”.

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 176.035 is hereby amended to read as follows:

176.035 1. Except as otherwise provided in subsection 2, whenever a person is convicted of two or more offenses, and sentence has been pronounced for one offense, the court in imposing any subsequent sentence

may provide that the sentences subsequently pronounced run either concurrently or consecutively with the sentence first imposed. Except as otherwise provided in subsections 2 and 3, if the court makes no order with reference thereto, all such subsequent sentences run concurrently.

2. Except as otherwise provided in this subsection, whenever a person under sentence of imprisonment for committing a felony commits another crime constituting a felony and is sentenced to another term of imprisonment for that felony, the latter term must not begin until the expiration of all prior terms. If the person is a probationer at the time the subsequent felony is committed, the court may provide that the latter term of imprisonment run concurrently with any prior terms or portions thereof. *If the person is sentenced to a term of imprisonment for life without the possibility of parole, the sentence must be executed without reference to the unexpired term of imprisonment and without reference to his eligibility for parole.*

3. Whenever a person under sentence of imprisonment commits another crime constituting a misdemeanor or gross misdemeanor, the court shall provide expressly whether the sentence subsequently pronounced runs concurrently or consecutively with the one first imposed.

4. Whenever a person under sentence of imprisonment commits another crime for which the punishment is death, the sentence must be executed without reference to the unexpired term of imprisonment.

5. This section does not prevent the state board of parole commissioners from paroling a person under consecutive sentences of imprisonment from a current term of imprisonment to a subsequent term of imprisonment.”.

Amend the title of the bill by deleting the third through fifth lines and inserting: “concerning such programs of treatment; making various changes concerning the sentencing of certain persons who are sentenced to imprisonment without the possibility of parole; and providing other matters properly relating”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes changes to provisions concerning programs of treatment for abuse of alcohol or drugs for certain offenders and provisions concerning sentencing of certain persons sentenced to imprisonment for life without parole. (BDR 16-1327)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 582.

Bill read second time and ordered to third reading.

Assembly Bill No. 609.

Bill read second time and ordered to third reading.

Assembly Bill No. 628.

Bill read second time and ordered to third reading.

Assembly Bill No. 632.

Bill read second time and ordered to third reading.

Assembly Bill No. 641.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 323.

Amend section 1, page 6, by deleting lines 43 through 48 and inserting: *“departments, agencies and officers of each participating jurisdiction may cooperate with and provide assistance to the cooperating committee concerning any provision of this agreement.”*.

Amend the title of the bill, third line, by deleting “requiring” and inserting “authorizing”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 653.

Bill read second time and ordered to third reading.

Assembly Bill No. 660.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 8 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time and ordered to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 347.

Amend section 1, page 2, line 27, by deleting “[~~5~~] 3” and inserting “5”.

Amend section 1, page 2, line 30, by deleting “[~~7~~] 5” and inserting “7”.

Amend section 1, page 2, line 31, by deleting “[~~15~~] 9” and inserting “15”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 77 be placed on the Chief Clerks desk.

Motion carried.

Assembly Bill No. 155.

Bill read second time.

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

Amendment No. 276.

Amend section 1, page 2, by deleting lines 9 through 12 and inserting:

“(b) The substitution is approved by the awarding authority ~~and~~ or an authorized representative of the awarding authority. The substitution must be approved if the awarding authority or authorized representative of the awarding authority determines that:”.

Amend section 1, page 2, by deleting lines 15 through 18 and inserting: *“offered to the subcontractor with the same general terms that all other subcontractors on the project were offered;”.*

Amend section 1, page 2, between lines 23 and 24, by inserting:

“4. As used in this section, “general terms” means the terms and conditions of a contract that set the basic requirements for a project and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the project that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 350.

Amend sec. 15, page 10, line 41, by deleting “October” and inserting “July”.

Amend the bill as a whole by adding a new section designated sec. 16, following sec. 15, to read as follows:

“Sec. 16. This act becomes effective on July 1, 2001.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 213.

Bill read second time and ordered to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 174.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated as sections 1 through 5.9, following the enacting clause, to read as follows:

“Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 6, inclusive, of this act.

Sec. 1.2. As used in sections 1.2 to 5.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.

Sec. 1.4. *“Irregularity in testing administration” means the failure to administer an examination to pupils pursuant to NRS 389.015 or 389.550 in the manner intended by the person or entity that created the examination.*

Sec. 1.6. *“Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS 389.015 or 389.550, including, without limitation:*

1. *The failure to comply with security procedures adopted pursuant to section 2 or 4 of this act;*

2. *The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and*

3. *Other breaches in the security or confidentiality of the questions or answers to questions on an examination.*

Sec. 1.8. *“School official” means:*

1. *A member of a board of trustees of a school district;*

2. *A member of a governing body of a charter school; or*

3. *A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.*

Sec. 2. 1. *The department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.015 and 389.550.*

2. *A plan adopted pursuant to subsection 1 must include, without limitation:*

(a) *Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.*

(b) *Procedures necessary to ensure the security of test materials and the consistency of testing administration.*

(c) *Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing*

security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of section 5.3 of this act.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The state board; and

(b) The legislative committee on education, created pursuant to NRS 218.5352.

Sec. 3. 1. If the department:

(a) Has reason to believe that a violation of the plan adopted pursuant to section 2 of this act may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to section 4 of this act may have occurred with respect to an examination that is administered pursuant to NRS 389.015 or 389.550; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section 5 of this act to investigate a potential violation of the plan adopted pursuant to section 4 of this act with respect to an examination that is administered pursuant to NRS 389.015 or 389.550, the department shall investigate the matter as it deems appropriate.

2. If the department investigates a matter pursuant to subsection 1, the department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the department as required by the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court

compelling the witness to attend, testify or produce materials before the department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the department, the court shall enter an order that the witness appear before the department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 4. 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully. The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the department pursuant to section 2 of this act.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The state board; and

(b) The legislative committee on education, created pursuant to NRS 218.5352.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall

provide a written notice regarding the examinations to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations, all pupils who are required to take the examinations and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "Examination" means:

(1) Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(b) "Irregularity in testing administration" means the failure to administer an examination in the manner intended by the person or entity that created the examination.

(c) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to section 2 or 4 of this act;

(2) The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

Sec. 5. 1. If a school official has reason to believe that a violation of the plan adopted pursuant to section 4 of this act may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to section 4 of this act may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS 389.015 or 389.550, immediately report the incident to the department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) *With respect to an examination that is administered pursuant to NRS 389.015 or 389.550, requesting that the department investigate the incident pursuant to section 3 of this act.*

The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. *Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to section 4 of this act.*

3. *If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:*

(a) *Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;*

(b) *The witness has been subpoenaed by the board of trustees pursuant to this section; and*

(c) *The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.*

4. *Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.*

5. *If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.*

Sec. 5.1. 1. *Except as otherwise provided in subsection 6, if the department determines that:*

(a) *At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during one school year on the*

examinations administered pursuant to NRS 389.015, including, without limitation, the high school proficiency examination; and

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination, the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

2. If the department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during one school year on the examinations administered pursuant to NRS 389.550; and

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550, the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

3. If the department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during one school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550, the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

4. Except as otherwise provided in subsection 6, if the department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during one school year on the examinations administered pursuant to NRS 389.550; and

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination, the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

5. The department shall provide as many notices pursuant to this section during one school year as are applicable to the irregularities occurring at a school. A school shall provide for additional administrations of examinations pursuant to this section within one school year as applicable to the irregularities occurring at the school.

6. If a school is required to provide an additional administration of examinations pursuant to subsection 2 of NRS 385.368 for a school year, the school is not required to provide for an additional administration pursuant to subsection 1 or 4 in that school year. The department shall ensure that the information required pursuant to paragraph (b) of subsection 3 of section 5.9 of this act is included in its report for the additional administration provided by such a school pursuant to subsection 2 of NRS 385.368.

Sec. 5.3. 1. The department shall notify the principal of a school, including, without limitation, a charter school, or the board of trustees of a school district, as applicable, if the school or the school district is required to file a plan for corrective action based upon the objective criteria adopted by the department pursuant to paragraph (d) of subsection 2 of section 2 of this act. Upon receipt of such notice, the school or the school district, as applicable, shall file a plan for corrective action with the department within the time prescribed by the department. Such a plan must specify the time within which the corrective action will be taken. The school or the school district, as applicable, shall commence corrective action pursuant to the plan immediately after the date on which the plan is filed.

2. The department shall establish procedures to document and monitor whether appropriate corrective action is being taken and whether that action is achieving the desired result. Such documentation must be maintained and reported in accordance with section 5.9 of this act.

3. *The department may require a school or a school district to amend its plan for corrective action if the department determines that such amendment is necessary to ensure the security of test materials and the consistency of testing administration in the school or school district, as applicable.*

Sec. 5.5. 1. *The department shall establish a statewide program for use by schools and school districts in their preparation for the examinations that are administered pursuant to NRS 389.015 and 389.550. The program must:*

(a) Be designed to ensure the consistency and uniformity of all materials and other information used in the preparation for the examinations;

(b) Be designed to ensure that the actual examinations administered pursuant to NRS 389.015 and 389.550 are not included within the materials and other information used for preparation; and

(c) Prescribe a maximum amount of time during the school year that may be used for the preparation of the examinations.

2. *If a school, including, without limitation, a charter school, or a school district provides preparation for the examinations that are administered pursuant to NRS 389.015 or 389.550, the school or school district shall comply with the program adopted pursuant to subsection 1. Such a school or school district shall not use materials or information in addition to those prescribed by the department.*

Sec. 5.7. 1. *The department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS 389.015 and 389.550.*

2. *The board of trustees of each school district and the governing body of each charter school shall ensure that:*

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS 389.015 or 389.550, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS 389.015 or 389.550, receive, on an annual basis, the education and training established by the department; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 5.9. 1. *The department shall establish procedures for the uniform documentation and maintenance by the department of irregularities in testing administration and testing security reported to the department pursuant to section 5 of this act and investigations of such irregularities conducted by the department pursuant to section 3 of this act. The procedures must include, without limitation:*

(a) A method for assigning a unique identification number to each incident of irregularity; and

(b) A method to ensure that the status of an irregularity is readily accessible by the department.

2. *In accordance with the procedures established pursuant to subsection 1, the department shall prepare and maintain for each irregularity in testing administration and each irregularity in testing security, a written summary accompanying the report of the irregularity. The written summary must include, without limitation:*

(a) An evaluation of whether the procedures prescribed by the department pursuant to paragraph (c) of subsection 2 of section 2 of this act were followed in response to the irregularity;

(b) The corrective action, if any, taken in response to the irregularity pursuant to section 5.3 of this act;

(c) An evaluation of whether the corrective action achieved the desired result; and

(d) The current status and the outcome, if any, of an investigation related to the irregularity.

3. *The department shall prepare a written report that includes for each school year:*

(a) A summary of each irregularity in testing administration and testing security reported to the department pursuant to section 5 of this act and each investigation conducted pursuant to section 3 of this act.

(b) A summary for each school that was required to provide additional administration of examinations pursuant to section 5.1 of this act. The summary must include, without limitation:

(1) The identity of the school;

(2) The type of additional examinations that were administered pursuant to section 5.1 of this act;

(3) The date on which those examinations were administered;

(4) A comparison of the results of pupils on the:

(I) Examinations in which an irregularity occurred in the first school year described in section 5.1 of this act;

(II) Examinations in which an additional irregularity occurred in the second school year described in section 5.1 of this act; and

(III) Additional examinations administered pursuant to section 5.1 of this act.

(c) Each written summary prepared by the department pursuant to subsection 2.

(d) The current status of each irregularity that was reported for a preceding school year which had not been resolved at the time that the preceding report was filed.

(e) The current status and the outcome, if any, of an investigation conducted by the department pursuant to section 3 of this act.

(f) An analysis of the irregularities and recommendations, if any, to improve the security of the examinations and the consistency of testing administration.

4. *On or before September 1 of each year, the department shall submit the report prepared pursuant to subsection 3 for the immediately preceding*

school year to the legislative committee on education created pursuant to NRS 218.5352 and the state board.”.

Amend sec. 14, page 9, line 16, by deleting “*reprimand*” and inserting: “*reprimand, letters of admonition*”.

Amend sec. 23, page 12, by deleting line 4 and inserting: “(r) *Intentional failure to observe and carry out the requirements*”.

Amend sec. 24, page 12, by deleting line 35 and inserting: “9. *Intentional failure to observe and carry out the*”.

Amend the bill as a whole by adding new sections designated sections 25.3 and 25.7, following sec. 25, to read as follows:

“Sec. 25.3. 1. On or before October 1, 2001, the department of education shall establish procedures for the uniform documentation and maintenance of irregularities in testing administration and testing security pursuant to section 5.9 of this act for use commencing with the 2001-2002 school year.

2. The report required pursuant to subsection 4 of section 5.9 of this act must first be submitted on or before September 1, 2002.

Sec. 25.7. On or before July 1, 2002, the department of education shall establish:

1. A statewide program for the preparation of examinations pursuant to section 5.5 of this act for use commencing with the 2002-2003 school year.

2. A program of education and training regarding the administration and security of examinations pursuant to section 5.7 of this act for use commencing with the 2002-2003 school year.”.

Amend sec. 27, page 13, by deleting lines 8 and 9 and inserting:

“3. Sections 1 to 1.8, inclusive, 3, 5, 5.1, 5.3, 5.9 to 24, inclusive, 25.3, 25.7 and 26 of this act become effective on July 1, 2001.

4. Sections 5.5 and 5.7 of this act become effective on July 1, 2001, for the purpose of establishing programs in accordance with those sections and on July 1, 2002, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; requiring the department of education and the board of trustees of each school district to adopt a plan setting forth procedures concerning the security of certain examinations; requiring the department to establish certain additional procedures and programs relating to the examinations; requiring certain schools to provide for additional administration of the examinations under certain circumstances; prohibiting retaliatory action against an official of a school district or charter school who discloses information regarding irregularities in testing administration or testing security; providing that a teacher or administrator who intentionally fails to observe and carry out the provisions of a plan for test security is subject to disciplinary action; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 318.

Amend section 1, page 1, by deleting lines 2 through 12 and inserting:

“294A.0055 1. “Committee for political action” means ~~an organization which receives contributions, makes contributions to candidates or other persons or makes expenditures~~ any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) *Makes or intends to make contributions to candidates or other persons; or*

(b) *Makes or intends to make expenditures, designed to affect the outcome of any primary, general or special election or question on the ballot. [The term]*

2. “Committee for political action” does not include ~~the~~ :

(a) *An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.*

(b) *An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.*

(c) *An individual natural person.*

(d) *An individual corporation or other business entity who has filed articles of incorporation or other documentation of organization with the secretary of state pursuant to Title 7 of NRS.*

(e) *A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.*

(f) *A committee for the recall of a public officer.”.*

Amend the bill as a whole by adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 294A.380 is hereby amended to read as follows:

294A.380 1. The secretary of state may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. *For the purposes of implementing and administering the provisions of this chapter regulating committees for political action, the secretary of state shall, in determining whether an entity or group is a committee for political action:*

(a) Disregard a group's or entity's division or separation into units, sections or smaller groups if it appears such division or separation is for the purpose of avoiding the reporting requirements of this chapter.

(b) Disregard any other action taken by a group or entity that would otherwise constitute a committee for political action if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

Sec. 3. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the secretary of state receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220, ~~294A.230~~, 294A.270, 294A.280 or 294A.360 has not filed a report *or form for registration* pursuant to the applicable provisions of those sections, the secretary of state may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the first judicial district court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.170, 294A.180, 294A.200, 294A.210, 294A.220, ~~294A.230~~, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the secretary of state in the first judicial district court and deposited with the state treasurer for credit to the state general fund.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

4. For good cause shown, the secretary of state may waive a civil penalty that would otherwise be imposed pursuant to this section. If the secretary of state waives a civil penalty pursuant to this subsection, the secretary of state shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.”

Amend the title of the bill, first line, after “action;” by inserting: “providing a civil penalty for failure to register as a committee for political action;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 214.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsection 4 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this state without its registration in this state pursuant to the provisions of this chapter and without the payment of any registration fees to this state.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this state.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. When a person, formerly a nonresident, becomes a resident of this state ~~[;] as defined in this chapter and chapter 483 of NRS~~ he shall ~~[;]~~

~~(a) Within~~, within 30 days after becoming a resident, ~~[; or~~

~~(b) At the time he obtains his driver's license, whichever occurs earlier,~~ apply for the registration of ~~[any vehicle which he owns and]~~ each vehicle he owns which is operated in this state. *The director shall adopt regulations for the enforcement of this subsection, including, without limitation, regulations to carry out the procedures set forth in subsection 2 of NRS 483.245.*

4. Any resident operating ~~[a motor vehicle]~~ upon a highway of this state *a motor vehicle* which is owned by a nonresident and which is furnished to the resident operator for his continuous use within this state, shall cause that vehicle to be registered within 30 days after beginning its operation within this state.

5. A person registering a vehicle pursuant to the provisions of subsection 3, 4 or 6 of this section or pursuant to NRS 482.390 must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS. He must not be allowed credit on those taxes and fees for the unused months of his previous registration.

6. If a vehicle is used in this state for a gainful purpose, the owner shall immediately apply to the department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

7. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the department for cancellation.

8. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this state; or

(b) The vehicle is used in this state for a gainful purpose.

Sec. 2. NRS 483.245 is hereby amended to read as follows:

483.245 1. When a person, *formerly a nonresident*, becomes a resident of ~~[Nevada]~~ this state as defined in this chapter and chapter 482 of NRS he ~~[must]~~ shall, within 30 days, *after becoming a resident*, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.

2. *With respect to a person described in subsection 1:*

(a) *If the person has not yet complied with the provisions of subsection 3 of NRS 482.385 at the time the department issues a Nevada driver's license to him, the department shall inform the person:*

(1) *Of the requirements of subsection 3 of NRS 482.385; and*

(2) *That he may at that time also apply for the registration of each vehicle he owns which is operated in this state; and*

(b) *If the person has not yet complied with the provisions of subsection 3 of NRS 482.385 on the date that is 30 days after the date on which the department issued a Nevada driver's license to him, the department shall:*

(1) *Send written notice to the person informing him that he is in violation of the provisions of subsection 3 of NRS 482.385; and*

(2) *Notify the appropriate law enforcement agency that the person is in violation of the provisions of subsection 3 of NRS 482.385.*

3. Where a person who applies for a license has a valid driver's license from a state which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this state.

~~{3-}~~ 4. In carrying out the provisions of this chapter, the director is authorized to enter into reciprocal agreements with appropriate officials of other states concerning the licensing of drivers of motor vehicles.”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; revising the provisions governing the registration of motor vehicles by new residents of this state; and providing other matters properly relating thereto.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywomen Chowning and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 296.

Amend section 1, page 1, by deleting lines 5 through 15 and inserting: *“agency against any person who knowingly stages an emergency or makes or causes to be made a false report of such an emergency to a public agency that a felony or misdemeanor has been committed or that an emergency exists.”.*

Amend section 1, page 1, line 19, by deleting “*shall*” and inserting “*may*”.

Amend section 1, page 2, by deleting lines 2 through 7 and inserting: *“caused a false report of an emergency to be made if the person disseminated or caused to be disseminated information by any means of public communication that resulted in an emergency response by a public agency to the emergency.”.*

Amend section 1, page 2, by deleting lines 17 through 19.

Amend section 1, page 2, line 20, by deleting “(c)” and inserting “(b)”.

Amend sec. 2, page 2, line 25, by deleting “or disseminated”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 285.

Amend sec. 2, page 3, line 36, by deleting “*or deflation*”.

Amend sec. 2, page 3, line 40, by deleting: *“inflation or deflation.”* and inserting “*inflation.*”.

Amend sec. 16, page 10, line 49, by deleting “\$100,000” and inserting “\$150,000”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 405.

Amend section 1, page 1, line 10, by deleting “*operation or*”.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to cooperative agreements; prohibiting the operation of an entity created by cooperative agreement between public agencies in such a manner as to affect adversely the”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions regarding cooperative agreements between public agencies. (BDR 22-1305)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

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

Amendment No. 335.

Amend section 1, page 2, by deleting lines 6 through 36 and inserting:

“2. *A certificate issued pursuant to this section expires 1 year after it is issued and may be renewed in accordance with regulations adopted by the commissioner.*

3. *Except as otherwise provided in subsection 6, before the commissioner may certify an external review organization, the external review organization must:*

(a) *Demonstrate to the satisfaction of the commissioner that it is able to carry out, in a timely manner, the duties of an external review organization set forth in this section and sections 4 to 12, inclusive, of this act. The demonstration must include, without limitation, proof that the external review organization employs, contracts with or otherwise retains only persons who are qualified because of their education, training, professional licensing and experience to perform the duties assigned to those persons; and*

(b) *Provide assurances satisfactory to the commissioner that the external review organization will:*

(1) Conduct its external review activities in accordance with the provisions of this section and sections 4 to 12, inclusive, of this act;

(2) Provide its determinations in a clear, consistent, thorough and timely manner; and

(3) Avoid conflicts of interest.

4. For the purposes of this section, an external review organization has a conflict of interest if the external review organization or any employee, agent or contractor of the external review organization who conducts an external review has a material professional, familial or financial interest in any person who has a substantial interest in the outcome of the external review, including, without limitation:

(a) The insured;

(b) The insurer or any officer, director or management employee of the insurer;

(c) The provider of health care services that are provided or proposed to be provided, his partner or any other member of his medical group or practice;

(d) The hospital or other licensed health care facility where the health care service or treatment that is subject to external review has been or will be provided; or

(e) A developer, manufacturer or other person who has a substantial interest in the principal procedure, equipment, drug, device or other instrumentality that is the subject of the external review.

5. The commissioner shall not certify an external review organization that is affiliated with:

(a) A health care plan; or

(b) A national, state or local trade association.

6. An external review organization that is certified or accredited by an accrediting body that is nationally recognized shall be deemed to have satisfied all the conditions and qualifications required for certification pursuant to this section.”.

Amend section 1, page 2, line 37, by deleting “6.” and inserting “7.”.

Amend section 1, page 2, line 41, by deleting “7.” and inserting “8.”.

Amend section 1, pages 2 and 3, by deleting lines 46 through 48 on page 2 and lines 1 through 4 on page 3, and inserting:

“9. As used in this section:

(a) “External review organization” has the meaning ascribed to it in section 6 of this act.

(b) “Final adverse determination” has the meaning ascribed to it in section 7 of this act.

(c) “Provider of health care” means any physician or other person who is licensed, certified or otherwise authorized in this state or any other state to provide any health care service.”.

Amend sec. 5, page 3, by deleting lines 20 through 23 and inserting:

“1. Engaged in the practice of medicine; and

2. *Certified or is eligible for certification by the board of medical”.*

Amend sec. 7, page 3, by deleting lines 38 through 43 and inserting:

“1. *Not medically necessary; or*

2. *Experimental or investigational.”.*

Amend the bill as a whole by deleting sec. 8 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. *“Medically necessary” means health care services or products that a prudent physician would provide to a patient to prevent, diagnose or treat an illness, injury or disease or any symptoms thereof that are:*

1. *Provided in accordance with generally accepted standards of medical practice;*

2. *Clinically appropriate with regard to type, frequency, extent, location and duration; and*

3. *Not primarily provided for the convenience of the patient, physician or other provider of health care.”.*

Amend sec. 9, page 4, line 6, by deleting “90” and inserting “60”.

Amend sec. 9, page 4, by deleting lines 9 through 15 and inserting:

“2. *Within 5 days after receiving a request pursuant to subsection 1, the managed care organization shall notify the insured, his authorized representative or his physician, the agent who performed utilization review for the managed care organization, if any, and the office for consumer health assistance that the request has been filed with the managed care organization.*

3. *Within 5 days after receiving a notification pursuant to subsection 2, the office for consumer health assistance shall:*

(a) *Randomly select an external review organization to conduct an external review of the final adverse determination;*

(b) *Notify the external review organization that it has been selected to conduct the external review; and*

(c) *Notify the insured, his authorized representative or his physician, the agent who performed utilization review for the managed care organization, if any, and the managed care organization of the external review organization selected to conduct the external review.*

4. *Upon notification by the office for consumer health assistance of the external review organization selected pursuant to subsection 3, the managed care organization shall provide to the external review organization all documents and”.*

Amend sec. 9, page 4, line 18, by deleting “(1)” and inserting “(a)”.

Amend sec. 9, page 4, line 20, by deleting “(2)” and inserting “(b)”.

Amend sec. 9, page 4, line 22, by deleting “(3)” and inserting “(c)”.

Amend sec. 9, page 4, line 24, by deleting “(4)” and inserting “(d)”.

Amend sec. 9, page 4, line 25, by deleting “(5)” and inserting “(e)”.

Amend sec. 10, page 4, by deleting lines 39 through 41 and inserting: “*make that determination pursuant to this section. The external review organization shall submit a”.*

Amend sec. 10, pages 4 and 5, by deleting lines 48 and 49 on page 4 and lines 1 through 14 on page 5, and inserting:

“3. A managed care organization shall approve or deny a request for an external review of a final adverse determination in an expedited manner not later than 72 hours after it receives proof from the insured’s provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured.

4. In making a determination pursuant to this section, an external”.

Amend sec. 11, page 5, by deleting lines 27 through 30 and inserting:

“Sec. 11. 1. The determination of an external review organization concerning an external review of a final adverse determination is final and binding upon the managed care organization.”.

Amend sec. 15, page 7, line 3, by deleting “and” and inserting “[and]”.

Amend sec. 15, page 7, by deleting lines 10 through 17 and inserting:

“determination if the managed care organization receives proof from the insured’s provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured, including notification of the procedure for requesting the expedited external review; and

(4) Receive assistance from any person, including an attorney, for an external review of a final adverse determination; and

(d) The telephone number of the office for consumer health assistance.”.

Amend sec. 16, page 8, by deleting lines 2 and 3 and inserting:

“regulations adopted by the commissioner of insurance, contract with at least two external review organizations that are certified by the commissioner of”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 315.

Amend section 1, page 1, line 2, by deleting: “to 5, inclusive,” and inserting “and 3”.

Amend sec. 2, pages 1 and 2, by deleting lines 5 through 17 on page 1 and lines 1 and 2 on page 2, and inserting:

“subdivision of this state or an agency thereof, other than a building of a public elementary or secondary school, an area must be made available for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control

of the operation of a building governed by this subsection shall designate and approve the area required by this subsection for the building.

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. A person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 may appeal the decision to the secretary of state. The secretary of state shall review the decision to determine whether the public officer or employee designated a reasonable area as required by subsection 1.

4. The decision of the secretary of state is a final decision for the purposes of judicial review. The decision of the secretary of state may only be appealed in the first judicial district court.

5. The secretary of state may adopt regulations to carry out the provisions of subsection 3.”.

Amend the bill as a whole by deleting sections 4 through 10 and renumbering sections 11 and 12 as sections 4 and 5.

Amend sec. 12, page 8, by deleting lines 47 through 49 and inserting:
~~“percent of the registered voters of the [municipality who together with any corporate petitioners own not less than 2 percent in assessed value of the taxable property of the]~~ municipality. Any member elected to the governing”.

Amend sec. 12, page 9, by deleting lines 6 through 9 and inserting:
~~“of the close of registration for the last preceding general election . [and assessed values must be determined from the next preceding final assessment roll. An authorized corporate officer may sign such a petition whether or not he is a registered voter.]~~ The resolution of intent need not be”.

Amend the bill as a whole by deleting sec. 13.

Amend the title of the bill by deleting the third through ninth lines and inserting:

“expending money to support or oppose candidates or ballots questions; extending the period for gathering signatures on certain petitions; and providing other matters properly relating”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 325.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sec. 4 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

The director shall:

1. *Establish and maintain a toll-free telephone number for persons to report to the department information concerning alleged violations of subsection 3 of NRS 482.385.*

2. *Establish procedures pursuant to which employees of the department will receive information reported pursuant to subsection 1 and, based upon the information so received, determine the appropriate action to be taken in response to the information.”.*

Amend sec. 4, page 3, by deleting lines 5 and 6 and inserting:

“pursuant to this subsection, the department shall notify the appropriate local law enforcement agency that the person is in violation of this subsection.”.

Amend sec. 4, page 3, line 13, by deleting “privilege” and inserting “governmental services”.

Amend sec. 4, page 3, by deleting lines 27 and 28 and inserting: “with the owner or operator of the vehicle, the peace officer issuing the”.

Amend the bill as a whole by deleting sections 5 through 11 and adding new sections designated sections 3 and 4, following sec. 4, to read as follows:

“Sec. 3. 1. There is hereby appropriated from the state highway fund to the department of motor vehicles and public safety the sum of \$109,000 for the purchase of equipment to establish and maintain the toll-free telephone number pursuant to section 1 of this act and for the costs related to a multimedia advertising campaign to inform the public about the toll-free telephone number and its purpose.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state highway fund as soon as all payments of money committed have been made.

Sec. 4. 1. This section and sections 1 and 3 of this act become effective on July 1, 2001.

2. Section 2 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; requiring the director of the department of motor vehicles and public safety to establish a toll-free telephone number for the reporting of certain violations relating to the registration of a vehicle; requiring the department to notify the appropriate local law enforcement agency of violations; making an appropriation; and providing other matters properly relating thereto.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Assemblywoman Chowning moved that upon return from the printer that Assembly Bill No. 474 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 249.

Amend section 1 by deleting lines 2 through 19 on page 1 and lines 1 through 23 on page 2, and inserting:

“176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the central repository for Nevada records of criminal history; and

(b) ~~{Samples of blood}~~ *A biological specimen* be obtained from the defendant pursuant to the provisions of this section and that the ~~{samples}~~ *specimen* be used for an analysis to determine the genetic markers of the ~~{blood.}~~ *specimen*.

2. If the defendant is committed to the custody of the department of prisons, the department of prisons shall arrange for the ~~{samples of blood}~~ *biological specimen* to be obtained from the defendant. The department of prisons shall provide the ~~{samples of blood}~~ *specimen* to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the department of prisons, the division shall arrange for the ~~{samples of blood}~~ *biological specimen* to be obtained from the defendant. The division shall provide the ~~{samples of blood}~~ *specimen* to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain ~~{the samples of blood from the}~~ *a biological specimen from a* defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. The provisions of subsection 1 apply to a defendant who is convicted of *any felony or any of the following offenses*:

(a) A crime against a child as defined in NRS 179D.210.

(b) A sexual offense as defined in NRS 179D.410.

~~{(c) Murder, manslaughter or any other unlawful killing pursuant to NRS 200.010 to 200.260, inclusive.}~~

~~(d) Mayhem pursuant to NRS 200.280.~~

~~(e) Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.~~

~~(f) Battery with intent to commit a crime pursuant to NRS 200.400.~~

~~(g) Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm pursuant to NRS 200.481.~~

~~(h)}~~ (c) Abuse or neglect of an older person pursuant to NRS 200.509.

~~{(i)}~~ (d) A second or subsequent offense for stalking pursuant to NRS 200.575.

~~{(j)} Burglary pursuant to NRS 205.060.~~

~~(k) Invasion of the home pursuant to NRS 205.067.~~

~~(h)}~~ (e) An attempt to commit an offense listed in this subsection ~~{-}~~ or to commit any felony.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 499.

Bill read second time and ordered to third reading.

Assembly Bill No. 536.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 194.

Amend section 1, page 1, by deleting line 3 and inserting: “appoint an executive assistant, a chief deputy, a deputy of commercial recordings, a deputy of elections and not more than two”.

Amend section 1, page 1, line 6, by deleting “deputy” and inserting: “deputy, deputy of commercial recordings, deputy of elections”.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. The secretary of state shall not underfill, fail to fill or otherwise compromise a position of employment in the classified service of the state that exists in the office of the secretary of state on July 1, 2001, as a result of or for the purpose of creating a new position of deputy in the unclassified service of the state pursuant to the amendatory provisions of this act, during the fiscal years 2001-2002 and 2002-2003.”.

Amend the title of the bill, second line, by deleting: “a chief deputy” and inserting “certain deputies”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 540.

Bill read second time.

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

Amendment No. 334.

Amend the bill as a whole by deleting sections 5 through 8 and renumbering sections 9 through 26 as sections 5 through 22.

Amend sec. 11, page 4, line 20, by deleting “10” and inserting “6”.

Amend sec. 21, page 6, line 31, by deleting “20” and inserting “16”.

Amend sec. 26, page 7, line 8, by deleting “25” and inserting “21”.

Amend the title of the bill by deleting the second and third lines and inserting: “regulation, taxation and other treatment as recreational vehicles; and”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 548.

Bill read second time and ordered to third reading.

Assembly Bill No. 554.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 403.

Amend sec. 13, page 5, line 2, before “*powers*” by inserting “*administrative*”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 581.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 280.

Amend section 1, page 2, line 23, by deleting “*and*” and inserting “*or*”.

Amend section 1, page 2, line 28, after “*crime*” by inserting “*information*”.

Amend sec. 5, page 4, by deleting line 47 and inserting:

“(a) *Charge a fee for*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 638.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 316.

Amend section 1, page 1, line 2, by deleting: “2, 3 and 4” and inserting: “2 and 3”.

Amend sec. 2, page 1, line 3, by deleting: “*Not later than 10 working*” and inserting: “*As soon as practicable, but in no case later than 21 calendar*”.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 22 as sections 4 through 21.

Amend sec. 10, page 6, line 34, by deleting: “11 and 12” and inserting: “10 and 11”.

Amend sec. 11, page 6, line 35, by deleting: “*Not later than 10 working*” and inserting: “*As soon as practicable, but in no case later than 21 calendar*”.

Amend sec. 22, page 14, by deleting line 22 and inserting: “concerning a candidate;”.

Amend sec. 22, page 14, line 26, by deleting: “*for public or judicial office*”.

Amend sec. 22, page 14, by deleting line 29 and inserting: “of the campaign of the candidate.”.

Amend sec. 22, page 14, lines 42 and 43, by deleting: “*for public or judicial office*”.

Amend sec. 22, page 15, line 3, by deleting “of” and inserting: “of :
(a)”.

Amend sec. 22, page 15, between lines 6 and 7, by inserting:

“(b) *NRS 233B.135, the court shall conduct its review:*

(1) *By trial de novo; and*

(2) *With a jury, unless the person alleged to have violated the provisions of NRS 294A.345 or 294A.346 requests a review without a jury.*”.

Amend the bill as a whole by deleting sec. 23 and renumbering sections 24 through 27 as sections 22 through 25.

Amend sec. 24, page 17, after line 46, by inserting: “5. *A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.*”.

Amend the bill as a whole by adding a new section designated sec. 26, following sec. 27, to read as follows:

“Sec. 26. The amendatory provisions of section 21 of this act do not apply to proceedings for judicial review initiated before October 1, 2001.”.

Amend the title of the bill by deleting the fourth through tenth lines and inserting: "certain methods of voting; clarifying the treatment of special absent ballots; revising the procedures for closing a polling place and counting ballots; revising the provisions governing voting by a new resident for President and Vice President; revising the provisions governing appeals from certain decisions of the commission on ethics; revising the requirement that a judicial officer and a candidate for judicial office".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 643.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 324.

Amend section 1, page 1, line 13, by deleting "*privilege*" and inserting "*governmental services*".

Amend section 1, page 2, line 12, by deleting "*privilege*" and inserting "*governmental services*".

Amend sec. 2, page 3, line 9, by deleting "vehicle privilege" and inserting "governmental services".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 7.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblymen Nolan and Chowning.

Conflict of interest declared by Assemblyman Nolan.

Roll call on Assembly Bill No. 83:

YEAS—38.

NAYS—None.

NOT VOTING—Nolan.

EXCUSED—Berman, Ocegueda, Parks—3.

Assembly Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 295.

Amend sec. 3, page 2, by deleting lines 9 through 14 and inserting:

“3. *This section does not prohibit a person from possessing any material, component, substance or device:*

(a) As required for the performance of his duties related to mining, agriculture, construction or any other valid occupational purpose or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his duties;

(b) In an amount which, if detonated or otherwise exploded, would not ordinarily cause substantial bodily harm to another person or substantial harm to the property of another; or

(c) As part of a model rocket or engine for a model rocket that is designed, sold and used for the purpose of propelling a model rocket.”.

Amend sec. 4, page 2, by deleting lines 21 through 23 and inserting:
“*cause destruction or injury to life or property.*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 135:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Assembly Bill No. 192:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Assembly Bill No. 205:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of the history of bills on the General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 236:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 242:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 277:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblymen Buckley and Brower.

Conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 320:

YEAS—36.

NAYS—Beers.

NOT VOTING—Brower, Goldwater—2.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 363:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 414:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 553:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 557.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 557:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 557 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 570:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 570 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 580:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 580 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 607.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 607:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 607 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 621.

Bill read third time.

Remarks by Assemblymen Hettrick and Chowning.

Roll call on Assembly Bill No. 621:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 621 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 335:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 134:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 134 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 315:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 381.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 381:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Ocegüera, Parks—3.

Assembly Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 554 be placed on the Chief Clerk's desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Hill.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Pierre Cerisier, Gerard Boyer, Helene Dominguez, Emmanuelle Garnier and Acacio Marques.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Roy Boyle and Dorothy Boyle.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Harvey Jacobsen.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 18, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:22 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 18, 2001

Assembly called to order at 10:42 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Stan Pesis.

The decisions we face range from addressing housekeeping minutiae to grappling with heartrending judgments of great moment. Our resolves range from redundancy and hair-splitting concerns of barbers to facing the difficulties of foster care and capital punishment. Lord of Heaven and Earth, grant us the patience, wisdom, insight and fortitude to help govern Your people.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 18, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 311, 316, 558, 573 and 641.

MARK STEVENS

Fiscal Analysis Division

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

Also, your Committee on Education, to which was referred Assembly Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bills Nos. 295, 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 59, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 635, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 656, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 39, 138, 231, 283, 358, 395, 467, 502, 504, 547, 557.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 20, 62, 77, 115, 171, 175, 191, 249, 271, 300, 324, 328, 330, 420, 500, 512.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 33.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 23—Welcoming the exhibit entitled “Una Storia Segreta - The Secret Story” regarding the treatment of certain Italian Americans during World War II.

WHEREAS, During World War II, more than 600,000 Italian-born immigrants living in the United States were classified as “enemy aliens” because they were not American citizens; and

WHEREAS, The freedom of these immigrants and their families was hampered by the United States government with the imposition of measures that included requiring them to carry identification cards at all times, the seizure of personal property and restrictions on their travel; and

WHEREAS, More than 10,000 Italian Americans living on the West Coast were forced to leave their homes and businesses and were prohibited from entering coastal zones, and many of these evacuees relocated to Nevada where housing and jobs were available; and

WHEREAS, Another 50,000 Italian Americans who remained in their homes were subjected to harsh and unfair curfews; and

WHEREAS, During this time, thousands of Italian-American immigrants were arrested and hundreds were interned in military camps; and

WHEREAS, More than 500,000 Italian Americans performed exemplary service in the United States Armed Forces during World War II, and thousands sacrificed their lives in defense of the United States; and

WHEREAS, At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest group of immigrants in the United States, numbering approximately 15 million; and

WHEREAS, The impact of the wartime experience was devastating to Italian-American communities in the United States and its effects are still being felt; and

WHEREAS, A deliberate policy of the United States government ensured that the story of the treatment of Italian Americans during World War II was kept secret from the public, and even today many of the details surrounding these events remain classified and the full story remains unknown to the public; and

WHEREAS, The story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian-American community, and to discourage the occurrence of similar injustices and violations of civil liberties in the future; and

WHEREAS, In March 1993, at a conference sponsored by the American Italian Historical Association's Western Regional Chapter, an exhibit to be known as "Una Storia Segreta" (A Secret Story) had its inception; and

WHEREAS, This exhibit unveils a secret history that has remained hidden for over 50 years because of the silence which was first imposed by the United States government and then adopted as a protective cover by those whose lives were affected; and

WHEREAS, Not only has the secret story concerning the Italian Americans during World War II been suppressed from historical accounts, but the Italian-American community itself has remained largely unaware of its existence; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature welcome the exhibit entitled "Una Storia Segreta" (A Secret Story) to the Las Vegas Art Museum where the exhibit will be open to the public from April 7 through April 29, 2001; and be it further

RESOLVED, That not only Italian Americans but all residents from the State of Nevada are encouraged to take advantage of the opportunity to view this exhibit which is sure to jog the memories and open the eyes of many, and promote greater awareness of the injustices endured by the many Italian Americans and their families living in this state; and be it further

RESOLVED, That the members of the Nevada Legislature wish to thank the members of the Augustus Society, a nonprofit organization of Las Vegas professional and lay men and women of Italian-American heritage, for sponsoring this exhibit; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jim Donofrio from the Augustus Society who was responsible for and instrumental in bringing the exhibit to Las Vegas.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Giunchigliani.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I guess I was one of the lucky Italian boys during World War II. I grew up in the sheltered community of Yerington, where 25 to 30 percent of the people were of Italian descent. We didn't feel the effects of this banishment of Italians, this forcing of people to leave their homes and abandon their businesses and move to other areas, even into internment camps.

There is a great Italian heritage where I come from. My dad got his citizenship papers in 1934. He came here in 1911. He was very proud of that citizenship. I had fifteen cousins who served during World War II, throughout the world, in the armed forces of our country. We are a proud people. We are proud of what our people have accomplished—coming here as Italian immigrants, with no education, working hard, getting businesses, getting farms, being productive citizens of our country.

To hear this resolution come forth now, of the atrocities and discrimination against the Italian people, is something that is dear to my heart. I think we are really proud that they have come to Las Vegas for this exhibit—Una Storia Segreta, which means "A Secret Story." It was a secret to a lot of us of Italian descent. I think it is a tribute to the outstanding job that the Augustus

Society in Las Vegas is doing in bringing forth these types of historical events and historic mementos. They let the people in Nevada know what actually has happened in the history of our state and in the history of our country.

I want everyone to know that the Italian people are a proud people. They always appreciated the freedom in this country that they were offered. They came from Mussolini and his regime in Italy. It meant a lot to them to be recognized as Americans. I know that if you wanted to get into a fight with my dad, all you had to do was call him a “Wop,” and the fight was on. He was pretty tough. I never heard of him losing a fight. He grew up the hard way.

There is a lot of heritage involved in this and a lot of pride, and we present this resolution and we honor the Augustus Society for their efforts to bring this historic memento to our state. Thank you.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of ACR 23. There are a few of us that are Italians in this body, in both houses. I’m the only one of us, I think, that was actually born in Italy. I support this resolution. I have worked and been to the many scholarship fund raisers that the Augustus Society has done in Las Vegas. It has really done a tremendous job for encouraging students to go on to higher education. But in addition to that, I appreciate this because I didn’t know this history. I think it’s time our textbooks reflect a great deal of the untold story as well. There are many people that contributed to our freedoms that are not reflected in our history books and this is just one more example of that. My “Nano”, which was my grandfather, fought in World War I. He came over as a young man and settled in Louisville, Kentucky. Somehow they got there, believe it or not.

I think one thing he always taught us was a sense of pride—of being an American, as well as being an Italian. Years later, he went back and reclaimed our property that had been taken by Mussolini. He did not care for that particular individual very much. This story will begin to educate, not only the Italian Americans who are unaware of this, but also our fellow Americans who are not aware of the contributions that were made, as well as the hidden truths and the sad part of this history. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 23 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Ohrenschall, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O’Connell, O’Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 24—Memorializing Julian Wallace.

WHEREAS, The members of the Nevada Legislature note with sadness the passing of Julian Wallace on August 2, 2000; and

WHEREAS, Julian Walter Wallace was born on September 13, 1912, in Brooklyn, New York; and

WHEREAS, After moving to California, Julian Wallace met Lillian Kramer, the woman he would marry on January 17, 1948, and who would become his partner in every endeavor from that day forward; and

WHEREAS, With their move to Nevada in 1978, Julian and Lillian Wallace brought with them their deep involvement in various organizations, including Julian's membership in the Fraternal Order of Knights of Pythias, an international fraternity in which Julian served as Chancellor Commander and whose principles of friendship, charity and benevolence he incorporated into his daily life; and

WHEREAS, Lifetime members of the City of Hope, Julian and Lillian Wallace worked as volunteers in many projects initiated to raise money for the life-saving work of the City of Hope National Medical Center whose mission is the prevention, treatment and cure of cancer and other life-threatening diseases through innovative research and patient care; and

WHEREAS, Active with the Mobile Homeowners League of the Silver State, Julian Wallace became its Executive Vice President in 1982, and it was as a representative of this organization that he became involved with Seniors United, a coalition of senior citizen activist groups formed during the election year of 1982 to win election for candidates who supported their views; and

WHEREAS, While many of the senior groups dissolved after the election, Julian and Lillian Wallace felt that an organization with the potential of Seniors United should not be discarded and took over the leadership which they would retain for the next 17 years, changing its focus to a political education organization dedicated to developing the political knowledge of seniors with forums for discussions and presentations of topical issues while challenging the members to recognize the strength of their collective voting power; and

WHEREAS, The team of Julian and Lillian Wallace has received numerous honors and awards for their achievements while directing the course of Seniors United including a recognition by Senator Harry Reid recorded in the Congressional Record of November 7, 1997, in which he paid tribute to "two Nevadans whose lives serve as an inspiration not only to all Nevadans but to this Nation and to this distinguished body" and he noted further that they "never hesitate to hold their elected officials' feet to the fire and demonstrate on a daily basis that an active and involved citizenry is definitely not a function of age."; and

WHEREAS, Never one to take retirement as a time to slow down, Julian Wallace also served on the Clark County Parks and Recreation Board, was active with the Retired and Senior Volunteer Program and was a delegate to the 1995 White House Conference on Aging, which was followed by a special invitation to the 1997 presidential inauguration; and

WHEREAS, The cheerful, positive demeanor and the ever-present smile of Julian Wallace will be missed by those who knew him and were drawn by the magnetic personality that made him irresistible to people of all ages; and

WHEREAS, Julian Wallace is survived by his wife, Lillian, who said of their 52 1/2 years together that "we enjoyed every minute of it," and by his brothers, Theodore of Los Angeles, California, and Martin Rock of Scottsdale, Arizona; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature extend their sincere condolences to Lillian Wallace on the loss of her loving husband and closest friend; and be it further

RESOLVED, That Julian Wallace will long be remembered for his commitment to the Pythian principles of "service to mankind" and "peace through understanding" and as a man who made everyone his friend; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lillian, his beloved wife and partner for over half a century.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, Buckley, Chowning, Manendo, Collins and Cegavske.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. Today, in this resolution, we mourn the passing of Julian Wallace, who was a great activist for the community in all areas. He was what they called "Asai Deke," a righteous man. He looked in many areas to try and cure problems. We are here also to rejoice in

the partnership of Julian and Lillian Wallace. They were a husband and wife team who, together, seemed to be able to accomplish miracles within the state. They managed to be the conscience of members of the political world. They interviewed, they went over and made things happen. They made sure seniors were well aware of what was going on. They were out there, speaking publicly, to really keep the community as a very good representative democracy. It will be a long time since we see another couple like them. I know Lillian misses her husband who has passed on, but she will now be the beam of light for us in inspiring the organization known as Seniors United, which they reshaped and brought into the world as an active and effective political organization, to keep on going.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of ACR 24. I had the pleasure of meeting Julian Wallace when I first decided to run for office. It's hard to express the impact that Julian and Lillian Wallace have had on so many of us who decide to throw our hats into the political ring. Through their organization, they were able to bring people together for discussion about true policy debates regardless of party. They have done so much to foster dialogue and discussion in our community. I think of all the things stated in the resolution and by my colleague from my neighboring Assembly district, the one thing I would like to mention to this body is a trait shared by both Julian and Lillian—Julian's spirit. He was always friendly, regardless of who was coming before him and what they were saying. He always had a way, too, of not becoming cynical of the political process. So many times, all of us get cynical about things we see. He never did. He believed that the right person could make a difference regardless of the circumstance. We will so sorely miss Julian and we are thrilled to be able to pay this tribute to his many achievements and to Lillian, his partner of so many years.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I, too, stand in support of ACR 24. Julian Wallace is a wonderful example of how one person's voice, along with his partner of 52 and a half years, can make its way to the legislature and truly make a difference in terms of policy for our state. I honor him today and thank him for all his dedicated, non-partisan spirit. Thank you.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I, too, rise in support of ACR 24. Lillian and Julian Wallace resided in Assembly District 18, my district, for many years. Actually, I met them in 1990. They then moved to my colleague's district, Assembly District 8. They were very involved in the community. The work that they both have done in Dorothy Kidd Mobile Home Park, before they moved, their reputation was unbelievable. Everyone had such a high respect for them. Actually, when they were involved in the founding of Seniors United, they actually brought me on as a board member, because they wanted to get some young people involved and try to bring out some of the issues of Social Security and how that can affect the younger generation. He got me involved in that organization. I just want to rise in support because I'm going to miss my friend. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I rise in support of this resolution. Back in 1992, when most folks didn't give me much chance of getting elected to the legislature, the Wallaces came and not only called, supported and encouraged me, but helped me with lists and campaign things and so forth. It made a big difference in helping me get started. They liked helping folks all the time and did that in so many ways, so I rise in support of this resolution as well.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I, also, rise in support of ACR 24. It was a pleasure to know Julian and Lillian. They are wonderful people. My colleagues have expressed words for all of us. So, with that, I want to stand in support and wish Lillian well. Thank you.

Resolution adopted unanimously.

Assemblywoman Ohrenschall moved that all rules be suspended and that Assembly Concurrent Resolution No. 24 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Anderson moved that Assembly Bill No. 489 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 431 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 413 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 558 be taken from the Chief Clerk's desk and re-referred to the Concurrent Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 572 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 536 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 311 be taken from the Chief Clerk's desk and placed at the bottom of the Second Reading File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 573 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 8 be taken from the Chief Clerk's desk and placed on General File.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 641 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 653 be taken from the General File and placed at the top of the General File.

Motion carried.

Senate Concurrent Resolution No. 33.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution adopted unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 34.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani, Goldwater and Carpenter.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I think many of the people in this room know one of my husband and my hobbies is traveling, not tourism. There is a huge difference. We usually land in a country and don't know where we're staying. His job is to drive while I find houses or places to rent. We've gone to Czechoslovakia behind the wall, illegally staying in homes; and to many other different places. The point I'm trying to make is the Consortium gives these youths, these young men and women, the ability to go to another country, live there; gives them a true taste and flavor. They know what kind of sheets they have. They know what the stores are like. They even know what kind of toilet paper they have. All of that helps give you a picture of what a culture and a society is.

This is a wonderful, remarkable program. I am so thrilled to know, from hearing the description, that it has actually grown from the Basque country and has expanded to 17 countries around the world. What it probably teaches, mostly, is for our youth to think globally and not locally.

I have the pleasure of knowing some of the individuals who have taught in the program and helped start it. I just found out my constituent, Ben Contime, was a participant in this and went to Chile under the Consortium program. We know now what makes Ben the challenge that he is in our districts, in how involved he is. I mean that kindly, of course. If I might, Mr. Speaker, I think it is a wonderful program and it's too bad more youths are not involved in this. But I commend the University for bringing forth this resolution.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. I rise in support of SCR 34. I participated in this program and went to Italy. It gives you tremendous perspective and is a wonderful opportunity. Anyone who has children in college, it's no vacation. They grill you. They make you learn. They make you attend class. You learn about the culture of the place where you are and you don't think your whole world is Las Vegas, Nevada. I appreciate the work that they do. It does benefit a whole lot of people.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of SCR 34. Through the years, I've personally known many of the people who were involved with the Basque studies program. As we know, the Basques were greatly involved in the sheep business in Nevada and when I was in the sheep business, many of these people that were connected with the Basque studies program came and interviewed my herders and myself. I believe that history of the Basque sheepherders in Nevada has been recorded because of this program. Thank you.

Resolution adopted unanimously.

Assemblywoman Buckley moved that the reading of the history of Senate Bills on Introduction be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that the reading of the history of Assembly Bills on the General File be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 61, 220, 221, 295, 297, 319, 336, 446, 476, 487 and 500 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 653.

Bill read third time.

Remarks by Assemblymen Goldwater, McClain, Gibbons, Beers, Oceguera, Dini, Giunchigliani, Berman, Chowning, Carpenter and Von Tobel.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen McClain, Perkins, Beers and Oceguera.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 12:00 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Goldwater moved that Assembly Bill No. 653 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assembly Bill No. 4.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 4:

YEAS—42.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 105:

YEAS—42.

NAYS—None.

Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 227 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 246 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 12:13 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 442.

Bill read second time and ordered to third reading.

Assembly Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 283.

Amend sec. 5, page 6, line 4, after "*enrolled*" by inserting: "*at least part time*".

Amend sec. 5, page 6, line 6, by deleting “*full-time*”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 399.

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the bill as a whole by deleting sec. 5.

Amend the title of the bill to read as follows:

“AN ACT relating to property; prohibiting a governing body from taking certain actions that preclude amateur service communications; providing certain requirements relating to the regulation of the placement, screening or height of a station antenna structure; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides certain restrictions relating to regulation of amateur service communications. (BDR 22-672)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 298.

Amend section 1, page 1, line 3, by deleting “*In*” and inserting: “*Except as otherwise provided in subsection 3, in*”.

Amend section 1, page 1, line 4, before “*felony*” by inserting “*category A*”.

Amend section 1, page 1, line 6, before “*felony*” by inserting “*category A*”.

Amend section 1, page 1, lines 15 and 16, by deleting: “*misdemeanor or gross misdemeanor;*” and inserting: “*misdemeanor, gross misdemeanor or felony other than a category A felony;*”.

Amend section 1, page 1, line 20, by deleting “*or*”.

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

“(c) *Apply to a peace officer with limited jurisdiction if an interlocal agreement between his employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted*

authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.”.

Amend the title of the bill, second line, by deleting: “a felony is” and inserting: “certain felonies are”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing duties of certain peace officers when certain felonies are committed or attempted in their presence or in area that is within their jurisdiction. (BDR 14-141).”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 357.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting:

“For the fiscal year 2001-2002 \$7,075,629

For the fiscal year 2002-2003 \$7,371,199”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Assemblywoman Parnell moved that upon return from the printer Assembly Bill No. 221 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 295.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 317.

Amend sec. 3, page 1, by deleting line 9 and inserting:

“Sec. 3. *Each county clerk is encouraged to:*”.

Amend sec. 3, page 1, line 10, by deleting “(a)” and inserting “1.”.

Amend sec. 3, page 2, by deleting lines 4 through 6 and inserting:

“2. *Provide in alternative audio and visual formats information concerning elections, information concerning how to register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a*”.

Amend sec. 3, page 2, line 8, by deleting “(c)” and inserting “3.”.

Amend sec. 3, page 2, line 11, by deleting “(1)” and inserting “(a)”.

Amend sec. 3, page 2, line 12, by deleting “(2)” and inserting “(b)”.

Amend sec. 3, page 2, by deleting lines 13 and 14.

Amend sec. 4, page 2, by deleting lines 19 through 21 and inserting:

“(1) *Designed to allow a voter in a wheelchair to vote;*”.

Amend sec. 4, page 2, line 22, by deleting “(3)” and inserting “(2)”.

Amend sec. 4, page 2, line 23, by deleting “(4)” and inserting “(3)”.

Amend sec. 4, page 2, line 24, by deleting “*and independence*”.

Amend sec. 4, page 2, line 29, by deleting “*shall:*” and inserting: “*is encouraged to:*”.

Amend sec. 4, page 2, line 36, by deleting “*elections;*” and inserting “*the election;*”.

Amend sec. 5, page 2, by deleting line 43 and inserting: “*cast their votes privately;*”.

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 through 10 as sections 7 through 9.

Amend sec. 8, page 3, line 42, by deleting: “, *in at least 12-point type,*”.

Amend sec. 8, page 3, between lines 44 and 45, by inserting: “*person, including, without limitation, by providing, upon request, the absent ballot in 12-point type to an elderly or disabled*”.

Amend sec. 10, page 4, by deleting lines 38 through 42 and inserting: “293.520 ~~[The]~~ *Except as otherwise provided in this section, the registration or reregistration of electors who are unable to sign their names must be made upon personal application of those electors at the office of the county clerk where they may be identified or in the presence of a field registrar. If such an elector is unable to appear in person at the office of the county clerk, the county clerk shall send a field registrar or an employee of the office of the county clerk to the elector to identify the elector and register or reregister the elector as appropriate. The electors described in this section may use a mark or*”.

Amend the bill as a whole by adding a new section designated sec. 10, following sec. 10, to read as follows:

“Sec. 10. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250, for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

(c) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. *The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.*

5. The county clerk shall include in each sample ballot for a primary election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

~~{5-}~~ 6. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.”

Amend sec. 12, page 4, by deleting line 46 and inserting:
“Sec. 12. *Each city clerk is encouraged to:*”

Amend sec. 12, page 4, line 47, by deleting “(a)” and inserting “1.”

Amend sec. 12, page 5, by deleting lines 3 through 5 and inserting:

“2. Provide in alternative audio and visual formats information concerning elections, information concerning how to register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a”.

Amend sec. 12, page 5, line 7, by deleting “(c)” and inserting “3.”.

Amend sec. 12, page 5, line 10, by deleting “(1)” and inserting “(a)”.

Amend sec. 12, page 5, line 11, by deleting “(2)” and inserting “(b)”.

Amend sec. 12, page 5, by deleting lines 12 and 13.

Amend sec. 13, page 5, by deleting lines 18 through 20 and inserting:

“(1) Designed to allow a voter in a wheelchair to vote;”.

Amend sec. 13, page 5, line 21, by deleting “(3)” and inserting “(2)”.

Amend sec. 13, page 5, line 22, by deleting “(4)” and inserting “(3)”.

Amend sec. 13, page 5, line 23, by deleting “and independence”.

Amend sec. 13, page 5, line 28, by deleting “shall:” and inserting: “is encouraged to:”.

Amend sec. 13, page 5, line 35, by deleting “elections;” and inserting “the election;”.

Amend the bill as a whole by deleting sec. 15 and renumbering sec. 16 as sec. 15.

Amend sec. 16, page 6, lines 29 and 30, by deleting: “, in at least 12-point type,”.

Amend sec. 16, page 6, line 32, before “person.” by inserting: “person, including, without limitation, by providing, upon request, the absent ballot in 12-point type to an elderly or disabled”.

Amend the bill as a whole by adding a new section designated sec. 16, following sec. 16, to read as follows:

“Sec. 16. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. At least 10 days before an election, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION**

2. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.

3. The city clerk shall include in each sample ballot for a primary city election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

~~{3-}~~ 4. The cost of mailing sample ballots for a city election must be borne by the city holding the election.”

Amend the bill as a whole by deleting sec. 17 and adding a new section designated sec. 17, following sec. 16, to read as follows:

“Sec. 17. For the purposes of subsection 2 of section 3 of this act, the legislature encourages each county by July 1, 2003, to provide at least one telecommunications device that is accessible to a person who is deaf.”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; providing that eligible voters who are elderly or disabled must not be denied the right to participate in elections and to vote privately; requiring the secretary of state to provide certain materials to elderly or disabled persons in a format that can be used by those persons; encouraging each county and city clerk to provide certain information and materials, including ballots, in alternative formats that can be used by elderly or disabled persons; requiring all polling places to be accessible to and equipped for use by voters who are elderly or disabled; excepting disabled voters from certain requirements regarding the voting of absent ballots; requiring absent ballots to be printed in at least 12-point type under certain circumstances; requiring that instructions for registering to vote be posted at certain locations; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 361.

Amend sec. 5, page 5, by deleting lines 25 through 28 and inserting: “determined by the board. *An administrator charged with the evaluation of a probationary teacher shall, during each evaluation period, personally observe the performance of the teacher for a minimum cumulative total of 60 minutes, at least 45 minutes of which must consist of one continuous observation.*”.

Amend sec. 5, page 5, by deleting lines 40 through 42 and inserting: “year. *An administrator charged with the evaluation of a postprobationary teacher shall, during each evaluation period, personally observe the performance of the teacher for a minimum cumulative total of 60 minutes, at least 30 minutes of which must consist of one continuous observation.*”.

Amend sec. 5, pages 5 and 6, by deleting lines 45 through 49 on page 5 and lines 1 through 9 on page 6 and inserting:

“(a) If necessary, include recommendations for improvements in his performance. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.

(b) Include a statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher’s response must be permanently attached to the teacher’s personnel file.”.

Amend sec. 6, page 6, by deleting lines 25 and 26.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 297 be placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 322.

Amend section 1, page 2, line 27, by deleting “50” and inserting “25”.

Amend sec. 3, page 4, line 30, after “pupils.” by inserting: “The information required by this paragraph must be reported in a manner that does not violate the confidentiality of any individual pupil or employee.”.

Amend sec. 3, page 6, line 30, after “year.” by inserting: “The department shall maintain the information pursuant to this paragraph in a manner that does not violate the confidentiality of any individual pupil or employee.”.

Amend sec. 6, page 7, line 10, after “disability” by inserting: “or a pupil whose primary language is not English,”.

Amend sec. 6, page 7, line 11, after “and” by inserting “who”.

Amend sec. 6, page 7, line 15, by deleting “disability,” and inserting: “disability and a pupil whose primary language is not English,”.

Amend sec. 7, page 8, line 2, after “disability” by inserting: “or a pupil whose primary language is not English”.

Amend sec. 7, page 8, by deleting line 26 and inserting: “take the high school proficiency examination for purposes of the”.

Amend sec. 7, page 8, line 33, by deleting “disabilities,” and inserting: “disabilities and pupils whose primary language is not English,”.

Amend sec. 7, page 8, line 43, after “disabilities” by inserting: “and pupils whose primary language is not English”.

Amend sec. 8, page 9, line 10, by deleting “impairment.” and inserting: “impairment or a specific learning disability in reading.”.

Amend sec. 8, page 9, line 48, by deleting “*impairment*,” and inserting: “*impairment or a specific learning disability in reading*.”

Amend sec. 16, page 15, line 34, by deleting “*Such*” and inserting: “*Except as otherwise provided in this subsection, such*”.

Amend sec. 16, page 15, line 37, after “*administrator*,” by inserting: “*An administrator who is appointed to such a committee may designate a person who is employed by the school district as a supervisor of school bus transportation to serve in the administrator’s place on the committee*.”.

Amend sec. 18, page 16, line 26, by deleting “*On*” and inserting: “*Except as otherwise provided in subsection 4, on*”.

Amend sec. 18, page 16, line 29, after “*necessary*,” by inserting: “*Except as otherwise provided in subsection 4, the principal of each public school shall, on or before November 1 of each year, file with the board of trustees of the school district a copy of the plan adopted pursuant to this section, including, without limitation, any revisions to the plan*.”.

Amend sec. 18, page 16, by deleting lines 30 through 46 and inserting:

“4. A principal may submit a written request to his immediate supervisor for additional time to comply with this section. The supervisor may grant the principal additional time to comply with this section, not to exceed 30 days after receipt of the request. If a principal who is granted additional time fails to comply with this section:

(a) Within the 30-day period allowed by his immediate supervisor, the supervisor shall ensure that a letter of reprimand or letter of admonition is included within the personnel file of the principal.

(b) Within 30 days after the letter of reprimand or letter of admonition is issued pursuant to paragraph (a), the board of trustees shall take such action against the principal pursuant to NRS 391.312 as it considers necessary.”.

Amend sec. 19, page 17, by deleting line 6 and inserting: “*the committee is 2 school years*.”.

Amend sec. 22, page 18, line 17, after “*disabilities*” by inserting: “*and pupils whose primary language is not English*”.

Amend sec. 22, page 18, line 20, after “*disabilities*” by inserting: “*and pupils whose primary language is not English*”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to Concurrent Committee on Ways and Means.

Assembly Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 320.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 127 or NRS is hereby amended by adding thereto a new section to read as follows:

1. When the division or a child-placing agency licensed by the division pursuant to this chapter receives an application by a person to receive the placement of a child for adoption, the division or child-placing agency shall:

(a) Provide to the applicant accurate and detailed written information regarding any subsidies, assistance and other services that may be available to the applicant if the child has been or is later determined to have any special needs; and

(b) Obtain from the applicant written confirmation that the applicant has received the required information.

2. The division shall adopt regulations specifying the information that must be provided pursuant to subsection 1.

Sec. 2. NRS 127.009 is hereby amended to read as follows:

127.009 1. The division shall prepare a booklet on adoption in this state which includes the following information:

(a) The legal basis of adoption;

(b) The purpose of adoption;

(c) The process of adoption;

(d) The number of children who are waiting to be adopted, including statistical information regarding:

(1) The gender and ethnic background of the children who are waiting to be adopted;

(2) The number of children placed in foster homes who are waiting to be adopted;

(3) The number of children with special needs who are waiting to be adopted; and

(4) The number of siblings who are waiting to be adopted;

(e) The name and location of agencies in Nevada that place children with adoptive parents;

(f) The number of prospective adoptive parents;

(g) A comparison of Nevada to the surrounding states regarding the placement of children with adoptive parents; ~~and~~

(h) A comparison of the division to other agencies located in Nevada regarding the placement of children with adoptive parents ~~[-]~~; and

(i) Any subsidies, assistance and other services that may be available to adoptive parents and prospective adoptive parents, including, without limitation, services for children with special needs.

2. The division shall:

(a) Revise the information in the booklet annually.

(b) Distribute the booklet to persons and organizations whose patients or clients are likely to become involved with the process of adoption in this state. The booklet must also be distributed to prospective adoptive parents and natural parents giving children up for adoption.

3. The division may accept gifts and grants to assist in the production and distribution of the booklet.

Sec. 3. NRS 127.186 is hereby amended to read as follows:

127.186 1. The division, or a child-placing agency licensed by the division pursuant to this chapter, may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the division or the licensed agency by proposed adoptive parents when, in the judgment of the division or the licensed agency, it would be in the best interests of the child to be placed in that adoptive home.

2. The division or child-placing agency shall ~~[determine whether]~~ in a timely and diligent manner:

(a) Upon:

(1) Its discovery of any facts indicating that a child in its custody may have any special needs;

(2) The request of a proposed adoptive parent with whom it proposes to place a child for adoption; or

(3) The request of an adoptive parent who has completed the adoption of a child with whom it placed the child for adoption, schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines, either before or after the adoption of a child whom it has placed for adoption, that the child has any special needs ~~[and notify]~~ :

(1) Notify the adoptive parents or proposed adoptive parents ~~[of a child who is determined to have special needs]~~ :

~~(a)~~ :

(I) That they may be eligible for a grant of financial assistance pursuant to this section ~~[if the petition for adoption is granted; and~~

~~(b)~~ ; and

(II) The manner in which to apply for such financial assistance ~~[.]~~ ; and

(2) Assist the adoptive parents or proposed adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The division may grant financial assistance for attorney's fees and court costs in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the administrator of the division has reviewed and approved in writing the ~~[proposed adoption and]~~ grant of financial assistance. *If the adoptive parents of a child with special*

needs apply for a grant of financial assistance pursuant to this section after the completion of proceedings for the adoption of the child, the division may, within the limitations of available funding, provide the financial assistance specified in this subsection for such expenses as are incurred after the administrator of the division has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the division and the adoptive parents. ~~[The agreement does]~~ *Such an agreement must not become effective ~~[until]~~ before the entry of the order of adoption.*

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the division. The evaluation must be presented for approval to the administrator of the division. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the division that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child attains majority, becomes self-supporting, is emancipated or dies, whichever occurs first.

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

Sec. 4. NRS 127.2817 is hereby amended to read as follows:

127.2817 The division shall:

1. Adopt regulations setting forth the criteria to be used by the division or a licensed child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption; and

2. ~~[If a determination is made pursuant to an investigation required by]~~ *Upon the completion of an investigation conducted by the division pursuant to NRS 127.120 or 127.2805 , inform the prospective adoptive parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the division shall provide the prospective adoptive ~~[parent or]~~ parents with an opportunity to review and respond to the investigation with the division before the issuance of the results of the investigation. The identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.”.*

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to the adoption of children; requiring the provision of certain information and assistance to certain adoptive parents, prospective adoptive parents and other persons involved in the process of adoption; requiring, under certain circumstances, the division of child and family services of the department of human resources and a child-placing agency to

schedule evaluations necessary to identify any special needs an adoptive child may have; and providing other”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires provision of certain information and assistance to certain adoptive parents, prospective adoptive parents and other persons involved in adoption of child. (BDR 11-1186)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 446.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 373.

Amend sec. 8, page 3, by deleting lines 42 through 45 and inserting:

“(c) *Any information relating to the financial records of an applicant or licensee; and*”.

Amend sec. 8, page 3, line 47, before “*pursuant*” by inserting: “*and kept confidential*”.

Amend sec. 10, page 4, line 34, after “All” by inserting “*disciplinary*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 327.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 5 as sections 1 through 4.

Amend sec. 2, pages 2 and 3, by deleting lines 23 through 49 on page 2 and lines 1 through 3 on page 3, and inserting:

“6. ~~{To}~~ *Except as otherwise provided in subsection 8 of NRS 485.317, to reinstate the registration of a motor vehicle suspended pursuant to ~~NRS 485.317;~~ that section:*

(a) A fee of \$250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the department pursuant to subsection 2 of NRS 485.317; or

(b) A fee of \$50 for a registered owner of a dormant vehicle who canceled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first canceling the registration for the vehicle in accordance with subsection 3 of NRS 485.320, both of which must be deposited in the account for verification of insurance which is hereby created

in the state highway fund. ~~[Money]~~ *The money* in the account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of \$27.”.

Amend sec. 2, page 3, line 4, by deleting “[8.] 9.” and inserting “8.”.

Amend sec. 2, page 3, line 6, by deleting “[9.] 10.” and inserting “9.”.

Amend sec. 2, page 3, line 8, by deleting “[10.] 11.” and inserting “10.”.

Amend sec. 3, page 4, line 28, by deleting “subsection 7,” and inserting: “[~~subsection 7,~~] *subsections 7 and 8,*”.

Amend sec. 3, page 4, line 34, by deleting the brackets and strike-through.

Amend sec. 3, page 4, by deleting lines 43 and 44 and inserting: “forth in paragraph (b) of subsection 6 of NRS 482.480.

8. *If the department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the department, proves to the satisfaction of the department that he was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the department may:*

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the account for verification of insurance created by subsection 6 of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

The department shall adopt regulations to carry out the provisions of this subsection.

9. For the purposes of verification of insurance by the department.”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; authorizing the department of motor vehicles and public safety to reinstate the registration of a motor vehicle that was suspended for lack of insurance under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing reinstatement of registration of motor vehicle suspended for lack of insurance. (BDR 43-865)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 314.

Amend sec. 2, page 1, line 10, after “residency.” by inserting: “*Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney’s fees and court costs of the challenged person.*”.

Amend sec. 2, page 1, line 12, by deleting “and”.

Amend sec. 2, page 1, by deleting line 13 and inserting:

“(b) *Have attached all documentation and evidence supporting the challenge; and*

(c) *Be in the form of an affidavit, signed by the elector under penalty of perjury.*”.

Amend sec. 2, page 2, by deleting lines 5 through 13 and inserting:

“4. *If the attorney general or district attorney determines that probable cause exists to support the challenge, the attorney general or district attorney shall, not later than 5 days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.*

5. *If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or a statute of this state, or if the person fails to appear at the hearing:*”.

Amend sec. 2, page 2, between lines 19 and 20, by inserting:

“6. *If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney’s fees and court costs of the challenged person.*”.

Amend the bill as a whole by renumbering sections 6 through 8 as sections 7 through 9 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the third Monday in May.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; *that my telephone number is, and the address at which I receive mail, if different than my residence, is*; that I am registered as a member of the Party; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election , I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before

me this ... day of the month of of the year..

Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm

under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; *that my telephone number is, and the address at which I receive mail, if different than my residence, is*; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before

me this ... day of the month of of the year ..

Notary Public or other person
authorized to administer an oath

3. A person may be a candidate under his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he is voting.

4. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate's address is listed as a post office box unless a street address has not been assigned to his residence.

5. *By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to section 2*

of this act. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.”.

Amend sec. 6, page 3, line 16, by deleting: “7 and 8” and inserting: “8 and 9”.

Amend sec. 7, page 3, line 24, after “residency.” by inserting: “*Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney’s fees and court costs of the challenged person.*”.

Amend sec. 7, page 3, line 26, by deleting “and”.

Amend sec. 7, page 3, by deleting line 27 and inserting:

“(b) *Have attached all documentation and evidence supporting the challenge; and*

(c) *Be in the form of an affidavit, signed by the elector under penalty of perjury.*”.

Amend sec. 7, page 3, by deleting lines 30 through 37 and inserting:

“4. *If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.*

5. *If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or a statute of this state, or if the person fails to appear at the hearing:”.*

Amend sec. 7, page 3, between lines 43 and 44, by inserting:

“6. *If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney’s fees and court costs of the challenged person.*”.

Amend the bill as a whole by renumbering sections 9 through 11 as sections 11 through 13 and adding a new section designated sec. 10, following sec. 8, to read as follows:

“Sec. 10. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.190, a name may not be printed on a ballot to be used at a primary city election, unless the person named has filed a declaration of candidacy or an acceptance of candidacy and paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE

OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; *that my telephone number is, and the address at which I receive mail, if different than my residence, is*; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election , law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before

me this ... day of the month of of the year ...

Notary Public or other person
authorized to administer an oath

3. A person may be a candidate under his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person,

living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter concerning the person or principles for which he is voting.

4. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate's address is listed as a post office box unless a street address has not been assigned to his residence.

5. *By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to section 8 of this act. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated."*

Amend sec. 10, page 5, line 11, by deleting "7" and inserting "8".

Amend the title of the bill, second line, after "office;" by inserting: "providing that a candidate for office is deemed to have designated the filing officer for his office as his agent for service of process for such challenges; revising the form for declaration or acceptance of candidacy;"

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 348.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 289 of NRS is hereby amended by adding a new section thereto to read as follows:

1. *A peace officer shall not engage in racial profiling.*
2. *No retaliatory or punitive action may be taken against a peace officer who discloses information concerning racial profiling.*

3. *For purposes of this section, “racial profiling” means reliance by a peace officer upon the race, ethnicity or national origin of a person as a factor in initiating action when the race, ethnicity or national origin of the person is not part of an identifying description of a specific suspect for a specific crime.”.*

Amend section 1, page 1, by deleting lines 2 through 4 and inserting: “stops by the Nevada Highway Patrol and in counties whose population is 100,000 or more by metropolitan police departments, sheriffs and their deputies, and city police chiefs and their deputies. Each such law”.

Amend section 1, page 1, by deleting lines 6 through 8 and inserting:

“2. To carry out this study, the Attorney General shall, based upon the recommendations of the Director of the Department of Motor Vehicles and Public Safety and the heads of the affected local law enforcement agencies, prescribe the form and manner of collecting and transmitting information regarding each traffic stop. The information required to be collected and transmitted to the Attorney General must include,”.

Amend sec. 2, page 2, by deleting line 33 and inserting:

“Sec. 3. 1. This section and section 2 of this act become effective upon”.

Amend sec. 2, page 2, line 35, by deleting “section 1” and inserting “section 2”.

Amend sec. 2, page 2, after line 35, by inserting:

“2. Section 1 of this act becomes effective on July 1, 2001.”.

Amend the title of the bill, second line, after “by” by inserting: “the Nevada Highway Patrol and by”.

Amend the summary of the bill to read as follows:

“SUMMARY—Directs Attorney General to conduct study of traffic stops by Nevada Highway Patrol and by law enforcement officers in certain counties. (BDR 23-386)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 297 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 20.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 39.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 62.

Assemblyman Parks moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 77.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 115.

Assemblyman Parks moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 138.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Cegavske moved that Assembly Bill No. 8 be taken from the bottom of the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblymen Cegavske, Parnell, Von Tobel, Chowning, Ohrenschall, Carpenter, Nolan, Hettrick, Beers, Angle, Collins, Smith, Gustavson and Leslie.

Potential conflict of interest declared by Assemblymen Von Tobel, Beers and Smith.

Assemblymen Beers, Collins and Hettrick moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 8.

Roll call on Assembly Bill No. 8:

YEAS—21.

NAYS—Anderson, Arberry, Bache, Buckley, Carpenter, Chowning, Claborn, de Braga, Dini, Giunchigliani, Koivisto, Leslie, Manendo, McClain, Neighbors, Ocegüera, Ohrenschall, Parnell, Perkins, Williams—20.

EXCUSED—Goldwater.

Assembly Bill No. 8 having failed to receive a constitutional majority, Mr. Speaker pro Tempore declared it lost.

Assembly Bill No. 155.

Bill read third time.

Remarks by Assemblymen Dini and Lee.

Potential conflict of interest declared by Assemblyman Lee.

Roll call on Assembly Bill No. 155:

YEAS—40.

NAYS—None.

EXCUSED—Goldwater, Hettrick—2.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 173:

YEAS—38.

NAYS—Collins, Lee—2.

EXCUSED—Goldwater, Hettrick—2.

Assembly Bill No. 173 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblymen Buckley and Brower.

Conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 204:

YEAS—39.

NAYS—None.

NOT VOTING—Brower.

EXCUSED—Goldwater, Hettrick—2.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 208.

Bill read third time.

Remarks by Assemblymen Collins and Dini.

Roll call on Assembly Bill No. 208:

YEAS—24.

NAYS—Arberry, Bache, Brower, Buckley, Chowning, de Braga, Freeman, Giunchigliani, Koivisto, Leslie, Manendo, Ocegüera, Ohrenschall, Perkins, Tiffany, Von Tobel—16.

EXCUSED—Goldwater, Hettrick—2.

Assembly Bill No. 208 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 171.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 175.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 191.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 231.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 249.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 271.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 283.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 300.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 324.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 328.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 330.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 358.

Assemblyman Parks moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 395.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 420.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 467.

Assemblyman Parks moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 500.

Assemblyman Parks moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 502.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 504.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 512.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 547.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 557.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:36 p.m.

ASSEMBLY IN SESSION

At 4:54 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 369, Amendment Nos. 354, 355, 557, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 35.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 369.

The following Senate amendment was read:

Amendment No. 354.

Amend the bill as a whole by deleting sections 1 through 34 and adding new sections designated sections 1 through 39, following the enacting clause, to read as follows:

“Section 1. NRS 703.010 is hereby amended to read as follows:

703.010 As used in this chapter, unless the context otherwise requires:

1. “Alternative seller” ~~[has the meaning ascribed to it in NRS 704.967.]~~
means a person who sells any competitive, discretionary or potentially competitive component of natural gas service pursuant to NRS 704.993 to 704.999, inclusive.

2. “Commission” means the public utilities commission of Nevada.

Sec. 2. NRS 703.025 is hereby amended to read as follows:

703.025 1. The commission, by majority vote, shall organize the commission into sections, alter the organization of the commission and reassign responsibilities and duties of the sections of the commission as the commission deems necessary to provide:

(a) Advice and guidance to the commission on economic policies relating to utilities under the jurisdiction of the commission, and the regulation of such utilities;

(b) Administrative, technical, legal and support services to the commission; and

(c) For the regulation of utilities governed by the commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The commission shall:

(a) Formulate the policies of the various sections of the commission;

(b) Coordinate the activities of the various sections of the commission;

(c) ~~Take such~~ *If customers are authorized by a specific statute to obtain a competitive, discretionary or potentially competitive utility service, take any actions which are consistent with ~~law as~~ the statute and which are necessary to encourage and enhance:*

(1) A competitive market for the provision of *that* utility ~~{services}~~ *service* to customers in this state; and

(2) The reliability and safety of the provision of ~~{those services}~~ *that utility service* within that competitive market; and

(d) Adopt such regulations consistent with law as the commission deems necessary for the operation of the commission and the enforcement of all laws administered by the commission.

3. Before reorganizing the commission, the commission shall submit the plan for reorganization to:

(a) The director of the legislative counsel bureau for transmittal to the appropriate legislative committee and the interim finance committee; and

(b) The director of the department of administration.

Sec. 3. NRS 703.130 is hereby amended to read as follows:

703.130 1. The commission shall appoint a deputy commissioner who shall serve in the unclassified service of the state.

2. The commission shall appoint a secretary who shall perform such administrative and other duties as are prescribed by the commission. The commission shall also appoint an assistant secretary.

3. The commission may employ such other clerks, experts or engineers as may be necessary.

4. ~~{The commission may}~~ *Except as otherwise provided in subsection 5, the commission:*

(a) *May* appoint one or more hearing officers for a period specified by the commission to conduct proceedings or hearings that may be conducted by the

commission pursuant to chapters 704, 704A, 705, 708 and 711 of NRS. ~~[The commission shall]~~

(b) *Shall* prescribe by regulation the procedure for appealing a decision of a hearing officer to the commission.

5. *The commission shall not appoint a hearing officer to conduct proceedings or hearings pursuant to sections 8 to 18, inclusive, of this act.*

Sec. 4. NRS 703.151 is hereby amended to read as follows:

703.151 In adopting regulations pursuant to this Title relating to the provision of electric service, the commission shall ensure that the regulations:

1. ~~[Maximize the benefits of a competitive marketplace for the provision of electric services;~~

2. ~~Maintain, to the extent possible, even and fair competition among providers of electric service;~~

3. ~~Ensure the flexibility necessary for existing utilities that provide energy to enter into a deregulated market;~~

4. ~~Foster innovation in the provision of electric services;~~

5. ~~Ensure and enhance reliability and safety in the provision of electric services;~~

6. ~~Provide for flexible mechanisms for regulating electric services; and~~

7.] *Protect, further and serve the public interest;*

2. Provide effective protection ~~[of persons]~~ for customers who depend upon electric ~~[services.]~~ service;

3. *Provide for stability in rates and for the availability and reliability of electric service;*

4. *Encourage the development and use of renewable energy resources; and*

5. *Require providers of electric service to engage in prudent business management, effective long-term planning, responsible decision making, sound fiscal strategies and efficient operations.*

Sec. 5. NRS 703.320 is hereby amended to read as follows:

703.320 1. ~~[When, in]~~ In any matter pending before the commission, if a hearing is required by ~~[law,]~~ a specific statute or is ~~[normally]~~ otherwise required by the commission, the commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The commission shall by regulation specify:

(a) The manner of giving notice ~~[;]~~ in each type of proceeding; and

(b) ~~[Where not specified by law, the]~~ The persons entitled to notice in each type of proceeding.

2. ~~[Unless,]~~ The commission shall not dispense with a hearing in any matter pending before the commission pursuant to sections 8 to 18, inclusive, of this act.

3. *In any other matter pending before the commission, the commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of*

the hearing files with the commission a request that the hearing be held . ~~¶ the commission may dispense with a hearing and act upon the matter pending.~~

3.] If *such* a request for a hearing is filed, the commission shall give at least 10 days' notice of the hearing.

Sec. 6. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 19, inclusive, of this act.

Sec. 7. *As used in this section and NRS 704.330 to 704.430, inclusive, unless the context otherwise requires, "electric utility" has the meaning ascribed to it in section 12 of this act.*

Sec. 8. *As used in sections 8 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 9. *"Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with an electric utility.*

Sec. 10. *"Consumer's advocate" means the consumer's advocate of the bureau of consumer protection in the office of the attorney general.*

Sec. 11. *"Dispose of a generation asset" means to:*

1. *Sell, lease, assign, transfer or divest an interest in a generation asset, in whole or in part, to another person; or*

2. *Perform any promise, covenant or obligation to sell, lease, assign, transfer or divest an interest in a generation asset, in whole or in part, to another person pursuant to the terms of a contract or agreement executed before, on or after the effective date of this act unless, before the effective date of this act:*

(a) *All terms and conditions of the contract or agreement were satisfied; and*

(b) *All parties to the contract or agreement fully performed all promises, covenants and obligations under the contract or agreement.*

Sec. 12. 1. *"Electric utility" means:*

(a) *Any public utility or successor in interest that:*

(1) *Is in the business of providing electric service to customers;*

(2) *Holds a certificate of public convenience and necessity issued or transferred pursuant to this chapter; and*

(3) *In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of \$250,000,000 or more in this state;*

(b) *A subsidiary or affiliate of such a public utility;*

(c) *A holding company or other person that holds a controlling interest in such a public utility; and*

(d) *A successor in interest to any public utility, subsidiary, affiliate, holding company or person described in paragraph (a), (b) or (c).*

2. *The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.*

Sec. 13. 1. *“Generation asset” means any plant, facility, equipment or system that:*

(a) *Converts other forms of energy into electricity or otherwise produces electricity;*

(b) *Is or was owned, possessed, controlled, leased, operated, administered, maintained, acquired or placed into service by an electric utility before, on or after January 1, 2001;*

(c) *Is subject, in whole or in part, to regulation by the commission; and*

(d) *Is used and useful for the convenience of the public in this state, as determined by the commission.*

2. *The term does not include:*

(a) *Any hydroelectric plant, facility, equipment or system which has a generating capacity of not more than 15 megawatts and which is located on the Truckee River or on a waterway that is appurtenant to or connected to the Truckee River.*

(b) *Any net metering system, as defined in NRS 704.771.*

Sec. 14. 1. *“Interest in a generation asset” means any interest, in whole or in part, in the physical plant, facility, equipment or system that makes up the generation asset, whether such interest is legal or equitable, present or future, or contingent or vested.*

2. *The term does not include any interest in the electricity or other energy produced by the generation asset.*

Sec. 15. *“Person” means:*

1. *A natural person;*

2. *Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;*

3. *A government or an agency or instrumentality of a government, including, without limitation, this state or an agency or instrumentality of this state; and*

4. *A political subdivision of this state or of any other government or an agency or instrumentality of a political subdivision of this state or of any other government.*

Sec. 16. *Except as otherwise provided in section 17 of this act:*

1. *Before July 1, 2003, an electric utility shall not dispose of a generation asset.*

2. *On or after July 1, 2003, an electric utility shall not dispose of a generation asset unless, before the disposal, the commission approves the disposal by a written order issued in accordance with the provisions of this section.*

3. *Not sooner than January 1, 2003, an electric utility may file with the commission an application to dispose of a generation asset on or after July 1, 2003. If an electric utility files such an application, the commission shall not approve the application unless the commission finds that the disposal of the generation asset will be in the public interest. The commission shall issue a written order approving or disapproving the application. The commission may base its approval of the application upon such terms, conditions or modifications as the commission deems appropriate.*

4. *If an electric utility files an application to dispose of a generation asset, the consumer's advocate shall be deemed a party of record.*

5. *If the commission approves an application to dispose of a generation asset before July 1, 2003, the order of the commission approving the application:*

(a) May not become effective sooner than July 1, 2003;

(b) Does not create any vested rights before the effective date of the order; and

(c) For the purposes of NRS 703.373, shall be deemed a final decision on the date on which the order is issued by the commission.

Sec. 17. 1. *An electric utility may dispose of its generation assets pursuant to a merger, acquisition or transaction that is authorized pursuant to NRS 704.329 or pursuant to a transfer of its certificate of public convenience and necessity that is authorized pursuant to NRS 704.410, if:*

(a) The electric utility disposes of substantially all of its generation assets and substantially all of its other assets to the other person in the merger, acquisition, transaction or transfer; and

(b) The other person in the merger, acquisition, transaction or transfer is not a subsidiary or affiliate of the electric utility or a holding company or other person that holds a controlling interest in the electric utility.

2. *Any person who assumes or has assumed ownership, possession, control, operation, administration or maintenance of a generation asset pursuant to a merger, acquisition, transaction or transfer described in subsection 1 is subject to the provisions of sections 8 to 18, inclusive, of this act.*

Sec. 18. *If an electric utility disposes of a generation asset in violation of sections 8 to 18, inclusive, of this act, the disposal is void and unenforceable and is not valid for any purpose.*

Sec. 19. 1. *Except as otherwise provided in section 36 of this act, beginning on March 1, 2001, an electric utility that purchases fuel or power shall use deferred accounting by recording upon its books and records in deferred accounts all increases and decreases in costs for purchased fuel and purchased power that are prudently incurred by the electric utility.*

2. *An electric utility using deferred accounting shall include in its annual report to the commission a statement showing, for the period of recovery, the allocated rate of return for each of its operating departments in this state using deferred accounting. If, during the period of recovery, the rate of*

return for any operating department using deferred accounting is greater than the rate of return authorized by the commission in the most recently completed rate proceeding for the electric utility, the commission shall order the electric utility that recovered costs for purchased fuel or purchased power through its rates during the reported period to transfer to the next energy adjustment period that portion of the amount recovered by the electric utility that exceeds the authorized rate of return.

3. Except as otherwise provided in subsection 4, an electric utility using deferred accounting shall file an application to clear its deferred accounts after the end of each 12-month period of deferred accounting.

4. An electric utility using deferred accounting may file an application to clear its deferred accounts after the end of a 6-month period of deferred accounting if the net increase or decrease in revenues necessary to clear its deferred accounts for the 6-month period is more than 5 percent of the total revenues generated by the electric utility during that period from its rates for purchased fuel and purchased power most recently authorized by the commission.

5. The commission shall adopt regulations prescribing the period within which an electric utility must file an application to clear its deferred accounts after the end of a period of deferred accounting.

6. As used in this section:

(a) "Application to clear its deferred accounts" means an application filed by an electric utility pursuant to this section and subsection 7 of NRS 704.110.

(b) "Costs for purchased fuel and purchased power" means all costs which are prudently incurred by an electric utility and which are required to purchase fuel, to purchase capacity and to purchase energy.

(c) "Electric utility" means any public utility or successor in interest that:

(1) Is in the business of providing electric service to customers;

(2) Holds a certificate of public convenience and necessity issued or transferred pursuant to this chapter; and

(3) In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of \$250,000,000 or more in this state.

The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

Sec. 20. NRS 704.030 is hereby amended to read as follows:

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

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

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

(a) They serve 25 persons or less; and

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

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

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

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

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

7. ~~{Persons who are licensed as alternative sellers to provide electric services.~~

~~8.}~~ Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

Sec. 21. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 or as otherwise provided by the commission pursuant to NRS 704.095 or 704.097:

1. Whenever there is filed with the commission any schedule stating a new or revised individual or joint rate or charge, or any new or revised individual or joint regulation or practice affecting any rate or charge, or any schedule resulting in a discontinuance, modification or restriction of service, the commission may, upon complaint or upon its own motion without complaint, at once, without answer or formal pleading by the interested utility, investigate or, upon reasonable notice, conduct a hearing concerning the propriety of the rate, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the commission, upon delivering to the utility affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule and defer the use of the rate, charge, classification, regulation, discontinuance, modification, restriction or practice . ~~{, but}~~ *If the rate,*

charge, classification, regulation, discontinuance, modification, restriction or practice is part of:

(a) A filing made pursuant to subsection 7, the suspension must not be effective for more than 90 days beyond the time when the rate, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

(b) Any other filing made pursuant to this section, the suspension must not be effective for more than 150 days beyond the time when the rate, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. Whenever there is filed with the commission any schedule stating an increased individual or joint rate or charge for service or equipment, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. During any hearing concerning the increased rates or charges determined by the commission to be necessary, the commission shall consider evidence in support of the increased rates or charges based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but no new rates or charges may be placed into effect until the changes have been experienced and certified by the utility to the commission. The commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the filing with the commission of the certification required in this subsection, or before the expiration of any period of suspension ordered pursuant to subsection 2, whichever time is longer, the commission shall make such order in reference to those rates or charges as is required by this chapter. *An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months.*

4. After full investigation or hearing, whether completed before or after the date upon which the rate, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the commission may make such order in reference to the rate, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

5. Except as otherwise provided in subsection 6, whenever a general rate application for an increased rate or charge for, or classification, regulation, discontinuance, modification, restriction or practice involving service or equipment has been filed with the commission, a public utility shall not submit another general rate application until all pending general rate applications for increases in rates submitted by that public utility have been decided unless, after application and hearing, the commission determines that a substantial financial emergency would exist if the other application is not permitted to be submitted sooner.

6. A public utility may ~~not~~ file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale ~~[more often than]~~ once every 30 days. *The provisions of this subsection do not apply to an electric utility using deferred accounting pursuant to section 19 of this act.*

7. *Whenever an electric utility using deferred accounting pursuant to section 19 of this act files an application to clear its deferred accounts and to change one or more of its rates or charges based upon changes in the costs for purchased fuel or purchased power, the commission, after a public hearing and by an appropriate order:*

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

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

8. *Whenever an electric utility files an application to clear its deferred accounts pursuant to subsection 7 while a general rate application is pending, the electric utility shall:*

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

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

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

10. *As used in this section, "electric utility" has the meaning ascribed to it in section 19 of this act.*

Sec. 22. NRS 704.329 is hereby amended to read as follows:

704.329 1. Except as otherwise provided in ~~[subsection 4, no person may]~~ this section, a person shall not merge with, directly acquire, indirectly acquire through a subsidiary or affiliate, or otherwise directly or indirectly

obtain control of a public utility doing business in this state or an entity that holds a controlling interest in such a public utility without first submitting to the commission an application for authorization of the proposed *merger, acquisition or other* transaction and obtaining authorization from the commission. ~~[pursuant to subsection 2.]~~

2. Any merger, acquisition or ~~[change in control in violation]~~ *other transaction that violates the provisions* of this section is void and unenforceable and is not valid for any purpose.

~~[2.]~~ 3. Before authorizing ~~[the]~~ *a proposed* merger, acquisition or ~~[change in control of a public utility doing business in this state.]~~ *other transaction pursuant to this section*, the commission shall consider the effect of the proposed *merger, acquisition or other* transaction ~~[. If]~~ *on the public interest and the customers in this state. The commission shall not authorize the proposed merger, acquisition or other transaction unless the commission finds that the proposed merger, acquisition or [change in control is] other transaction:*

(a) *Will be in the public interest* ~~[the commission shall authorize the proposed transaction.~~

~~3.]~~; and

(b) *Complies with the provisions of sections 8 to 18, inclusive, of this act, if the proposed merger, acquisition or other transaction is subject to those provisions.*

4. *The commission may base its authorization of the proposed merger, acquisition or other transaction upon such terms, conditions or modifications as the commission deems appropriate.*

5. If the commission does not issue a final ~~[determination]~~ order regarding the proposed *merger, acquisition or other* transaction within 180 days after the date on which an application or amended application for authorization of the proposed *merger, acquisition or other* transaction was filed with the commission, *and the proposed merger, acquisition or other transaction is not subject to the provisions of sections 8 to 18, inclusive, of this act*, the *proposed merger, acquisition or other* transaction shall be deemed ~~[approved.]~~ *to be authorized by the commission.*

~~[4.]~~ 6. The provisions of this section do not apply to the transfer of stock of a public utility doing business in this state or to the transfer of the stock of an entity holding a controlling interest in such a public utility, if a transfer of not more than 25 percent of the common stock of such a public utility or entity is proposed.

Sec. 23. NRS 704.370 is hereby amended to read as follows:

704.370 1. The commission shall have the power, after hearing, to issue or refuse such certificate of public convenience, or to issue it for the construction of a portion only of the contemplated line, plant or systems, or extension thereof, and may attach thereto such terms and conditions as, in its judgment, the public convenience and necessity may require.

2. ~~[The]~~ *Except as otherwise provided in subsection 3, the commission, in its discretion ~~[,]~~ and after investigation, may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no protest against the granting of the ~~[certificate]~~ application has been filed by or on behalf of any interested person.*

3. *The commission shall not dispense with the hearing on the application of an electric utility.*

Sec. 24. NRS 704.390 is hereby amended to read as follows:

704.390 1. It ~~[shall be]~~ is unlawful for any public utility to discontinue, modify or restrict service to any city, town, municipality, community or territory theretofore serviced by it, except upon 30 days' notice filed with the commission, specifying in detail the character and nature of the discontinuance or restriction of the service intended, and upon order of the commission, made after hearing, permitting such discontinuance, modification or restriction of service.

2. ~~[The]~~ *Except as otherwise provided in subsection 3, the commission, in its discretion and after investigation, may dispense with the hearing on the application for discontinuance, modification or restriction of service ~~[,]~~ if, upon the expiration of the time fixed in the notice thereof, no protest against the granting of the application has been filed by or on behalf of any interested person.*

3. *The commission shall not dispense with the hearing on the application of an electric utility.*

Sec. 25. NRS 704.410 is hereby amended to read as follows:

704.410 1. Any public utility subject to the provisions of NRS ~~[704.005]~~ 704.001 to 704.751, inclusive, and sections 8 to 18, inclusive, of this act to which a certificate of public convenience and necessity has been issued pursuant to NRS ~~[704.005]~~ 704.001 to 704.751, inclusive, and sections 8 to 18, inclusive, of this act may transfer the certificate to any person qualified under NRS ~~[704.005]~~ 704.001 to 704.751, inclusive, ~~but the~~ and sections 8 to 18, inclusive, of this act. Such a transfer is void and unenforceable and is not valid for any purpose ~~[until a]~~ unless:

(a) A joint application to make the transfer has been made to the commission by the transferor and the transferee ~~[, and the]~~; and

(b) The commission has authorized the substitution of the transferee for the transferor. If the transferor is an electric utility, the commission shall not authorize the transfer unless the transfer complies with the provisions of sections 8 to 18, inclusive, of this act.

2. The commission ~~[may]~~:

(a) Shall conduct a hearing on a transfer involving an electric utility. The hearing must be noticed and conducted in the same manner as other contested hearings before the commission.

(b) May direct that a hearing be ~~[had in the matter of the transfer.]~~ conducted on a transfer involving any other public utility. If the commission determines that such a hearing should be held, the hearing must be noticed

and conducted in the same manner as other contested hearings before the commission.

~~[3. The commission has the sole discretion to direct that a hearing be held if the application seeks to transfer the certificate from a person or partners to a corporation when the officers of the corporation will be substantially the same person or partners.~~

4.] The commission may dispense with *such* a hearing if, upon the expiration of the time fixed in the notice thereof, no protest to the proposed transfer has been filed by or on behalf of any interested person.

~~[5.]~~ 3. In determining whether the transfer of a certificate of public convenience and necessity to an applicant transferee should be authorized, the commission must take into consideration:

(a) The utility service performed by the transferor and the proposed utility service of the transferee;

(b) Other authorized utility services in the territory for which the transfer is sought; ~~and~~

(c) Whether the transferee is fit, willing and able to perform the services of a public utility and whether the proposed operation will be consistent with the legislative policies set forth in NRS ~~[704.005]~~ 704.001 to 704.751, inclusive ~~[-~~

~~6.]~~, and sections 8 to 18, inclusive, of this act; and

(d) *Whether the transfer will be in the public interest.*

4. The commission may make such amendments, restrictions or modifications in a certificate upon transferring it as the public interest requires.

~~[7.]~~ 5. No transfer is valid beyond the life of the certificate transferred.

Sec. 26. NRS 704.430 is hereby amended to read as follows:

704.430 1. Any person, firm, association or corporation who ~~[shall violate]~~ *violates* any provisions of NRS 704.330 to ~~[704.410,]~~ 704.430, inclusive, and section 7 of this act shall be punished by a fine of not more than \$250.

2. Each day's operation without a certificate as provided in NRS 704.330 to ~~[704.410,]~~ 704.430, inclusive, and section 7 of this act or each day that service is discontinued, modified or restricted, as defined in NRS 704.330 to ~~[704.410, inclusive, shall]~~ 704.430, inclusive, and section 7 of this act must be considered a separate offense.

Sec. 27. NRS 704.961 is hereby amended to read as follows:

704.961 The commission ~~[shall expend up to \$500,000]~~ *may expend money* from its reserve account to provide education and informational services necessary to educate and inform the residents in this state on issues related to the provision of ~~[competitive]~~ utility services in this state. The commission ~~[shall]~~ *may* contract with an independent person to provide such educational and informational services.

Sec. 28. NRS 704.989 is hereby amended to read as follows:

704.989 1. The commission shall establish portfolio standards for domestic energy that ~~sets~~ *set* forth the minimum percentage of the total amount of electricity sold by an electric utility to its retail customers in this state during each calendar year that must be derived from renewable energy resources. The portfolio standards must:

(a) ~~Be~~ On January 1, 2001, be set at two-tenths of ~~one~~ 1 percent of the total amount of electricity ~~annually consumed~~ sold by the electric utility to its retail customers in this state ~~as of January 1, 2001.~~

~~—(b) Be increased biannually thereafter~~ during the immediately preceding calendar year.

(b) On January 1 of each successive odd-numbered year, be increased by two-tenths of ~~one~~ 1 percent of the total ~~annual electric consumption~~ amount of electricity sold by the electric utility to its retail customers in this state during the immediately preceding calendar year until the ~~standard reaches~~ portfolio standards reach a total of 1 percent of the total amount of electricity ~~consumed~~ sold by the electric utility to its retail customers in this state during the immediately preceding calendar year.

(c) Be derived from not less than 50 percent renewable energy resources.

(d) Be derived from not less than 50 percent solar renewable energy systems.

(e) Be based on renewable energy credits, if applicable.

2. Each ~~vertically integrated~~ electric utility ~~and alternative seller that provides electric service in this state~~ shall comply with the portfolio ~~standard~~ standards established by the commission pursuant to this section. At the end of each calendar year, each ~~vertically integrated~~ electric utility ~~and alternative seller~~ shall submit a report, in a format approved by the commission, of the quantity of renewable energy and credits, if applicable, that the electric utility ~~or alternative seller~~ generated, purchased, sold and traded to meet the portfolio standards. ~~of the portfolio.~~

3. In establishing the portfolio standards pursuant to this section, the commission may establish a system of credits pursuant to which an electric utility ~~and alternative seller~~ may comply with the provisions of this section. A system of credits must provide that:

(a) Credits are issued for renewable energy resources for each kilowatt hour of energy which it produces; and

(b) Holders of credits may trade or sell the credits to other parties.

4. For the purposes of this section, ~~a vertically integrated electric utility which,~~ if, on January 1, 1997, ~~has~~ at least 9 percent of ~~its electricity consumed by~~ the total amount of electricity sold by an electric utility to its retail customers ~~served by~~ in this state during the immediately preceding calendar year was derived from renewable energy resources, the electric utility shall be deemed to be in compliance until January 1, 2005, with the portfolio standards established by the commission pursuant to this section. Between January 1, 2005, and December 31, 2009, such ~~a vertically integrated~~ an electric utility ~~and its affiliated alternative seller, if any, shall~~

~~reach a total of~~ shall have one-half of 1 percent of the *total* amount of electricity ~~[consumed by]~~ sold to its *retail* customers ~~[]~~ in this state, increased in annual increments of one-tenth of 1 percent ~~[, in]~~ during each calendar year of that period, derived from solar energy resources for full compliance with the portfolio ~~[standard]~~ standards established by the commission pursuant to this section.

5. ~~[The]~~ In addition to the report required by subsection 2, each electric utility ~~[and alternative seller]~~ shall submit a report ~~[to]~~, in a format approved by the commission, that provides information relating to the compliance by the ~~[vertically integrated]~~ electric utility ~~[or alternative seller]~~ with the requirements of this section. Such reports must be made at least annually, unless the commission by regulation determines that such reports must be made more frequently than annually, and must include clear and concise information that sets forth:

(a) If the ~~[vertically integrated]~~ electric utility installed a renewable energy system during the period for which the report is being made, the date of installation;

(b) The capacity of renewable energy systems of the ~~[vertically integrated]~~ electric utility; ~~[or alternative seller;]~~

(c) The amount of production of energy from the renewable energy systems;

(d) The portion of the production of energy that is directly derived from renewable energy resources;

(e) The quantity of energy from renewable energy systems that is transmitted or distributed, or both, to *retail* customers in this state by the ~~[vertically integrated]~~ electric utility; ~~[or alternative seller;]~~ and

(f) Such other information that the commission by regulation may deem relevant.

6. ~~[Nothing in this section applies]~~ The provisions of this section do not apply to:

(a) Rural electric cooperatives established pursuant to chapter 81 of NRS;

(b) General improvement districts established pursuant to chapter 318 of NRS; or

(c) Utilities established pursuant to chapter 709 or 710 of NRS.

7. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in section 19 of this act.

(b) "Renewable energy resources" means wind, solar, geothermal and biomass energy resources ~~[in this state]~~ that are naturally regenerated.

~~[(b)]~~ (c) "Renewable energy system" means an energy system ~~[in this state]~~ that utilizes renewable energy resources to produce electricity or solar thermal energy systems that reduce the consumption of electricity that was installed and commenced operations after July 1, 1997.

Sec. 29. NRS 228.360 is hereby amended to read as follows:

228.360 The consumer's advocate ~~[may,]~~ :

1. *Shall intervene in and represent the public interest in all proceedings conducted pursuant to sections 8 to 18, inclusive, of this act.*

2. May, with respect to all public utilities except railroads and cooperative utilities, and except as provided in NRS 228.380:

~~{1-}~~ (a) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

~~{2-}~~ (b) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the public utilities commission of Nevada in the same manner and to the same extent as authorized by law for members of the public utilities commission of Nevada and its staff.

~~{3-}~~ **Petition**

(c) *Except as otherwise provided in subsection 1, petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the public utilities commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the consumer's advocate may bring before or has brought before the public utilities commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The consumer's advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.*

Sec. 30. NRS 228.390 is hereby amended to read as follows:

228.390 *Except as otherwise provided in sections 8 to 18, inclusive, of this act:*

1. The consumer's advocate has sole discretion to represent or refrain from representing the public interest and any class of customers in any proceeding.

2. In exercising his discretion, the consumer's advocate shall consider the importance and extent of the public interest or the customers' interests involved and whether those interests would be adequately represented without his participation.

3. If the consumer's advocate determines that there would be a conflict between the public interest and any particular class of customers or any inconsistent interests among the classes of customers involved in a particular matter, he may choose to represent one of the interests, to represent no interest, or to represent one interest through his office and another or others through outside counsel engaged on a case basis.

Sec. 31. NRS 538.181 is hereby amended to read as follows:

538.181 1. The commission shall hold and administer all rights and benefits pertaining to the distribution of the power and water mentioned in NRS 538.041 to 538.251, inclusive, for the State of Nevada ~~{7-}~~ and, except as otherwise provided in NRS 538.186, may enter into contracts relating to that

power and water, including the transmission and other distribution services, on such terms as the commission determines.

2. Every applicant, except a federal or state agency or political subdivision, for power or water to be used within the State of Nevada must, before the application is approved, provide an indemnifying bond by a corporation qualified pursuant to the laws of this state, or other collateral, approved by the state board of examiners, payable to the State of Nevada in such sum and in such manner as the commission may require, conditioned for the full and faithful performance of the lease, sublease, contract or other agreement.

3. The power and water must not be sold for less than the actual cost to the State of Nevada.

4. Except as otherwise provided in subsection 5, before any such sale or lease is made, a notice of it must be advertised in two papers of general circulation published in the State of Nevada at least once a week for 2 weeks. The commission shall require any person desiring to make objection thereto to file the objection with the commission within 10 days after the date of the last publication of the notice. If any objection is filed, the commission shall set a time and place for a hearing of the objection not more than 30 days after the date of the last publication of the notice.

5. The provisions of subsection 4 do not apply to:

(a) Any contract by the commission to sell supplemental power to a holder of a long-term firm contract with the state for power if the supplemental power is procured by the commission from a prearranged source and is secured by the holder for his own use; or

(b) Any agreement by the commission to sell short-term or interruptible power on short notice for immediate acceptance to a holder of a long-term firm contract with the state for power who can take delivery of the short-term or interruptible power when it is available.

6. Except as otherwise provided in subsection 2 of NRS 538.251, any such lease, sublease, contract or sale of the water or power is not binding upon the State of Nevada until ratified and approved by the governor and, where required by federal law, until approved by the United States.

7. The commission shall, upon the expiration of a contract for the sale of power which is in effect on July 1, 1993, offer to the purchaser the right to renew the contract. If the commission is unable to supply the amount of power set forth in the contract because of a shortage of power available for sale, it shall reduce, on a pro rata basis, the amount of power it is required to sell pursuant to the renewed contract.

8. ~~[Except as otherwise provided in NRS 704.987, notwithstanding]~~ *Notwithstanding* any provision of chapter 704 of NRS, any purchase of:

(a) Power or water for distribution or exchange, and any subsequent distribution or exchange of power or water by the commission; or

(b) Water for distribution or exchange, and any subsequent distribution or exchange of water by any entity to which or with which the commission has contracted the water,

is not subject to regulation by the public utilities commission of Nevada.

Sec. 32. 1. NRS 704.965, 704.966, 704.967, 704.968, 704.969, 704.970, 704.971, 704.972, 704.973, 704.974, 704.975, 704.976, 704.977, 704.978, 704.979, 704.980, 704.981, 704.982, 704.9823, 704.9826, 704.9829, 704.983, 704.984, 704.985, 704.986, 704.9865, 704.987, 704.988 and 704.990 are hereby repealed.

2. Sections 335 and 337 of chapter 482, Statutes of Nevada 1997, at pages 2021 and 2022, respectively, and sections 17, 21, 22, 24 and 26 of chapter 600, Statutes of Nevada 1999, at pages 3269 and 3272, are hereby repealed.

3. Section 127 of Senate Bill No. 29 of this session is hereby repealed.

Sec. 33. The public utilities commission of Nevada shall:

1. Amend, modify, supplement, annul or vacate any order or directive issued by the commission before the effective date of this act that authorizes or requires an electric utility to dispose of any generation asset, if such disposal would violate the provisions of this act;

2. Take all appropriate action to request that the Federal Energy Regulatory Commission and any other officer, agency or department of the Federal Government:

(a) Not issue any order or directive that authorizes or requires an electric utility to dispose of any generation asset, if such an order or directive could be interpreted as being in conflict with or preempting the provisions of this act; and

(b) Amend, modify, supplement, annul or vacate any order or directive issued before, on or after the effective date of this act that authorizes or requires an electric utility to dispose of any generation asset, if such an order or directive could be interpreted as being in conflict with or preempting the provisions of this act;

3. If any action taken pursuant to subsection 2 is unsuccessful, take all appropriate legal action to challenge any order or directive issued by the Federal Energy Regulatory Commission or any other officer, agency or department of the Federal Government that authorizes or requires an electric utility to dispose of any generation asset, if such an order or directive could be interpreted as being in conflict with or preempting the provisions of this act; and

4. Take any other action or issue any other orders necessary to carry out the provisions of this act.

Sec. 34. As used in this section and sections 35 and 36 of this act, unless the context otherwise requires:

1. "Affiliate" means an entity that, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with another entity.

2. "Commission" means the public utilities commission of Nevada.

3. "Comprehensive energy plan" means the application to adopt a comprehensive energy plan, designated in the records of the commission as Docket No. 01-1045, and all amendments and modifications to the application or the plan.

4. "Deferred account" means any account that is used to carry out deferred accounting pursuant to section 19 of this act.

5. "Electric utility" has the meaning ascribed to it in section 19 of this act.

6. "Electric utility holding company" means:

(a) An entity which is incorporated or organized under the laws of this state and which holds a controlling interest in an electric utility; and

(b) A successor in interest to any entity described in paragraph (a).

7. "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this state from customers located in counties whose population is 400,000 or more than it does from customers located in counties whose population is less than 400,000.

8. "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this state from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.

Sec. 35. Except as otherwise provided in section 36 of this act and notwithstanding the provisions of any other specific statute to the contrary:

1. An electric utility shall not file an application for a fuel and purchased power rider on or after the effective date of this act.

2. Each application for a fuel and purchased power rider filed by an electric utility which is pending with the commission on the effective date of this act and which the electric utility did not place into effect before or on April 1, 2001, is void and unenforceable and is not valid for any purpose after April 1, 2001.

3. If, before March 1, 2001, an electric utility incurred any costs for fuel or purchased power, including, without limitation, any costs for fuel or purchased power recorded or carried on the books and records of the electric utility, and those costs were not recovered or could not be recovered pursuant to a fuel and purchased power rider placed into effect by the electric utility before March 1, 2001, the electric utility is not entitled, on or after March 1, 2001, to recover any of those costs for fuel or purchased power from customers, and the commission shall not allow the electric utility to recover any of those costs for fuel or purchased power from customers.

4. Except as otherwise provided in this section, on and after the effective date of this act:

(a) The commission shall not take any further action on the comprehensive energy plan, and each electric utility that jointly filed the comprehensive energy plan shall be deemed to have withdrawn the comprehensive energy plan;

(b) The rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan shall be deemed to be a component of the electric utility's rates for fuel and purchased power; and

(c) The revenues collected by each electric utility before April 1, 2001, from the rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan shall be deemed to be a credit in the electric utility's deferred accounts.

5. On or before October 1, 2001, each electric utility that primarily serves densely populated counties shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by this act. On or before December 1, 2001, each electric utility that primarily serves densely populated counties shall file an application to clear its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act. After such an electric utility files the application to clear its deferred accounts, the commission shall investigate and determine whether the rates that the electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices. On the date on which the commission issues a final order on the general rate application, the commission shall issue a final order on the electric utility's application to clear its deferred accounts. The total rates to provide electric service that were in effect on April 1, 2001, for the electric utility must remain in effect until the date on which the commission issues a final order on the general rate application. The commission shall not adjust the rates of the electric utility during this period unless such an adjustment is absolutely necessary to avoid rates that are confiscatory under the Constitution of the United States or the constitution of this state. The commission:

(a) May make such an adjustment only to the extent that it is absolutely necessary to avoid an unconstitutional result; and

(b) Shall not, in any proceedings concerning such an adjustment, approve any rate or grant any relief that is not absolutely necessary to avoid an unconstitutional result.

After the electric utility files the general rate application that is required by this subsection, the electric utility shall file general rate applications in accordance with subsection 3 of NRS 704.110, as amended by this act. After the electric utility files the application to clear its deferred accounts that is required by this subsection, the electric utility shall file applications to clear its deferred accounts in accordance with section 19 of this act and subsection 7 of NRS 704.110, as amended by this act.

6. On or before December 1, 2001, each electric utility that primarily serves less densely populated counties shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by this act. On or

before February 1, 2002, each electric utility that primarily serves less densely populated counties shall file an application to clear its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act. After such an electric utility files the application to clear its deferred accounts, the commission shall investigate and determine whether the rates that the electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices. On the date on which the commission issues a final order on the general rate application, the commission shall issue a final order on the electric utility's application to clear its deferred accounts. The total rates to provide electric service that were in effect on April 1, 2001, for the electric utility must remain in effect until the date on which the commission issues a final order on the general rate application. The commission shall not adjust the rates of the electric utility during this period unless such an adjustment is absolutely necessary to avoid rates that are confiscatory under the Constitution of the United States or the constitution of this state. The commission:

(a) May make such an adjustment only to the extent that it is absolutely necessary to avoid an unconstitutional result; and

(b) Shall not, in any proceedings concerning such an adjustment, approve any rate or grant any relief that is not absolutely necessary to avoid an unconstitutional result.

After the electric utility files the general rate application that is required by this subsection, the electric utility shall file general rate applications in accordance with subsection 3 of NRS 704.110, as amended by this act. After the electric utility files the application to clear its deferred accounts that is required by this subsection, the electric utility shall file applications to clear its deferred accounts in accordance with section 19 of this act and subsection 7 of NRS 704.110, as amended by this act.

Sec. 36. Notwithstanding the provisions of any other specific statute to the contrary:

1. If, on or after January 1, 1999, and before the effective date of this act, an electric utility holding company entered into any transaction to acquire a controlling interest in a public utility that provides electric service primarily to customers located outside of this state, the electric utility holding company shall not carry out the transaction unless, on or after the effective date of this act:

(a) The electric utility holding company files with the commission an application for authorization of the transaction; and

(b) The commission issues a written order that authorizes the transaction. The commission shall not authorize the transaction unless the commission finds that the transaction will be in the public interest. The commission may base its authorization of the transaction upon such terms, conditions or modifications as the commission deems appropriate.

2. If the commission authorizes a transaction described in subsection 1 and, before July 1, 2003, the electric utility holding company acquires a controlling interest in such a public utility, or any affiliate thereof, pursuant to the transaction:

(a) Each electric utility in which the electric utility holding company holds a controlling interest shall not use deferred accounting pursuant to section 19 of this act on or after the date on which the electric utility holding company acquires a controlling interest in the public utility, or any affiliate thereof;

(b) Not later than 90 days after that date, each such electric utility shall file one final application to clear the remaining balance in its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act;

(c) For each such electric utility, the commission shall not carry out the provisions of section 35 of this act concerning deferred accounting and deferred accounts; and

(d) The commission shall carry out the remaining provisions of section 35 of this act, including, without limitation, the commission's investigation and determination whether the rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices.

3. Any transaction that violates the provisions of this section is void and unenforceable and is not valid for any purpose.

Sec. 37. Any license issued to an alternative seller pursuant to NRS 704.977 is void on and after the effective date of this act.

Sec. 38. 1. The provisions of this act are hereby declared to be severable.

2. If any provision of this act is held invalid, or if the application of any such provision to any person, thing or circumstance is held invalid, such invalidity does not affect any other provision of this act that can be given effect without the invalid provision or application.

Sec. 39. This act becomes effective upon passage and approval.”.

Amend the text of repealed sections by adding the text of section 127 of Senate Bill No. 29 of this session.

Amend the bill as a whole by deleting the preamble and adding a new preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, In 1997, the legislature enacted comprehensive legislation designed to prepare the electric industry in this state for retail competition; and

WHEREAS, In 1999, the legislature enacted additional legislation delaying the onset of such competition until March 1, 2000, unless a determination was made that a later date was necessary to protect the public interest; and

WHEREAS, On several occasions, a determination has been made that commencement of retail competition in the electric industry is not yet in the public interest of this state; and

WHEREAS, Many residents of this state are senior citizens whose health is especially vulnerable to extreme heat and extreme cold and who rely on electricity to provide safe temperatures in their homes; and

WHEREAS, In arid regions of this state, there are many population centers that cannot be sustained without electricity to pump potable drinking water; and

WHEREAS, Several of the major industries in this state are particularly dependent upon electricity; and

WHEREAS, Under present market conditions in the electric industry, comprehensive and effective regulation of electric utilities in this state is vital to the economy of this state and is essential to protect the health, safety and welfare of the residents of this state; and

WHEREAS, Until present market conditions have changed and adequate mechanisms have been developed to allow this state to adjust its comprehensive regulation of electric utilities in Nevada, this state has a compelling interest in continuing its comprehensive regulation of electric utilities to protect the consumers in this state, to safeguard the economy of this state and to ensure that the electric utilities in this state provide adequate and reliable electric service at just and reasonable prices; and

WHEREAS, As part of its comprehensive regulation of electric utilities in Nevada, this state has traditionally exercised its inherent jurisdiction over electric generation assets which have been dedicated to serve the public convenience and necessity in Nevada and which are used and useful for the convenience of the public in Nevada; and

WHEREAS, To control volatility in the price of electricity in the retail market and to ensure that the electric utilities in this state have necessary and sufficient resources to provide adequate and reliable electric service under present market conditions, this state must retain its traditional jurisdiction and control over electric generation assets until other mechanisms are available to accomplish these goals; and

WHEREAS, In recent years, the western United States has experienced a severe and ongoing crisis in the electric industry marked by critical shortages in the supply of electricity and extreme volatility in the price of electricity in the wholesale and retail markets; and

WHEREAS, The severe and ongoing crisis in the electric industry in the western United States is both an immediate threat and a continuing danger to the economy of this state and to the health, safety and welfare of the residents of this state; and

WHEREAS, Until the severe and ongoing crisis in the electric industry in the western United States has sufficiently abated, this state must maintain its comprehensive regulation over electric utilities and its traditionally broad jurisdiction and control over electric generation assets to promote stability and predictability in the electric industry, to foster confidence in the financial markets, to ensure that consumers have adequate and reliable electric service

and to protect the public from unjust and unreasonable utility rates; now, therefore.”.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “of such assets after that period; requiring certain electric utilities to use deferred accounting under certain circumstances; repealing provisions pertaining to the competitive provision of retail electric service; requiring the public utilities commission of Nevada to take certain actions to carry out the provisions of this act; establishing certain requirements and making various changes relating to the rates charged by certain electric utilities; requiring certain entities to obtain approval from the commission before carrying out certain transactions; and”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 354 to Assembly Bill No. 369.

Remarks by Assemblyman Bache, Brower and Collins.

Potential conflict of interest declared by Assemblymen Brower and Collins.

Motion carried.

The following Senate amendment was read:

Amendment No. 355.

Amend sec. 19, page 8, line 14, after “energy.” by inserting: “*The term does not include any costs that the commission determines are not recoverable pursuant to subsection 8 of NRS 704.110.*”.

Amend sec. 21, page 10, line 41, by deleting “*Whenever*” and inserting: “*Except as otherwise provided in subsection 8, whenever*”.

Amend sec. 21, page 11, by deleting line 6 and inserting:

“8. *Before allowing an electric utility to clear its deferred accounts pursuant to subsection 7, the commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this state for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that:*

(a) *Were not necessary to provide electric service to customers in this state, including, without limitation, any costs required to purchase capacity or energy which was not used by the electric utility to provide electric service to customers in this state but which was resold by the electric utility at wholesale;*

(b) *Were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility; or*

(c) *Were part of, associated with or related to any transaction or interaction with a subsidiary or affiliate of the electric utility or an entity that holds a controlling interest in the electric utility and were not necessary to provide electric service to customers in this state.*

The commission shall not credit any revenues to the deferred accounts of the electric utility which were not earned or generated from providing electric service to customers in this state or which were part of, associated with or related to any transaction or interaction with a subsidiary or affiliate of the electric utility or an entity that holds a controlling interest in the electric utility and were not earned or generated from providing electric service to customers in this state.

9. *Whenever an electric utility files an application to clear its”.*

Amend sec. 21, page 11, line 13, by deleting “9.” and inserting “10.”.

Amend sec. 21, page 11, line 19, by deleting “10.” and inserting “11.”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 355 to Assembly Bill No. 369.

Remarks by Assemblyman Bache, Brower and Collins.

Potential conflict of interest declared by Assemblymen Brower and Collins.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 557.

Amend sec. 21, page 11, by deleting lines 16 through 34 and inserting: “*utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.*”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 557 to Assembly Bill No. 369.

Remarks by Assemblyman Bache, Brower and Collins.

Potential conflict of interest declared by Assemblymen Brower and Collins.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 35.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Anderson.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

This resolution honors one of the all-time greats in our nation’s history, Buzz Aldrin, a man who has served the nation well. A graduate of West Point, he served in the Korean War flying F-86 Sabre jets in 66 combat missions; and served as an Aerial Gunnery Instructor at our own Nellis Air Force Base in Las Vegas. He flew F-100 aircraft as a flight commander with the 36th Tactical Fighter Wing at Bittsburg, Germany, and numerous other achievements. It was his assignment with the National Aeronautics and Space Administration (NASA) that he became a household name.

Those of us who are old enough to remember as far back as 1969 can no doubt remember exactly where we were and what we were doing on July 20th of that year when the world’s news media was focused on the Apollo XI. We listened to our radios and watched on television.

We saw history being made as man took his first step onto the surface of the moon. Buzz Aldrin was one of those men. We will never forget the emotion and pride that we felt when the flag of the United States was placed on that desolate untouched surface.

Western Nevada Community College will soon start construction of the new Jack C. Davis Observatory. When they came to me and requested my help in bringing Buzz Aldrin to our community to speak at a fundraiser, I thought, "What better project could we have than to bring this distinguished American to our area? To give our children the opportunity to personally meet this man who had achieved this unreachable dream? To let them hear from him that "Reaching for the Stars" is attainable?

I am proud of all the students who participated in the essay contest. Many of them are from my own district. I am especially proud of a young girl from Yerington, Jaceth Salido, who took first place in her section of that contest. I just wanted to say I am honored and pleased to be able to present this resolution to this House.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support. As a high school teacher, I see in my classroom every day the kind of students who need to be encouraged to reach for the stars. Colonel Aldrin has been that kind of model for me as a teacher. I believe he continues to be that kind of model for the young people of our nation. It is his example that inspires all of us. I wanted to make sure I could rise in support of the work of Speaker Emeritus Dini in bringing Mr. Aldrin here and honoring this great gentleman.

Resolution adopted unanimously.

Mr. Speaker appointed Assemblymen Claborn and Von Tobel as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Shelley Berkley.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:17 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except for Senators McGinness and O'Connell, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except for Assemblymen Goldwater and Mortenson, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Carlton and Assemblyman Manendo to wait upon Representative Berkley and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Shelley Berkley, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The President of the Senate announced a recess to hear remarks by Colonel Buzz Aldrin.

Joint recess at 5:22 p.m.

IN JOINT SESSION

At 5:31 p.m.

President of the Senate presiding.

Mr. Speaker welcomed Representative Berkley and invited her to deliver her message.

Shelley Berkley, United States Representative, delivered her message as follows:

Lieutenant Governor Hunt, Speaker Perkins, Majority Leader Raggio, Minority Leader Titus, esteemed members of the legislature, guests, and friends. It is a great pleasure for me to be here today. I am particularly delighted to have shared the podium with our true American hero Buzz Aldrin. I am also saddened that my friend, Jan Evans, isn't here to participate in the legislature. She was a mentor and a dear friend of mine, and I miss her very much. I know that everybody in this body misses her.

Nearly two decades ago I served in the Nevada State Assembly. To give you some perspective of time, back in those days my son Max was 6 months old when I brought him here to serve along with me. Max, for those of you who remember him, is now finishing his freshman year in college. It is extraordinary to be here without him. I wanted to give you some perspective of where my family has come and how we got our start right here in this Assembly body.

For those of us who were here back then or for those who grew up in Nevada, we have seen incredible growth and progress in our state. We have seen our population double and redouble throughout the '80s and the '90s and into the 21st Century. We have much to be proud of; our economy and our quality of life ranks among the best in our nation. You, as the elected leaders of our state, must take the credit because the credit goes to you. You do a remarkable job guiding this state, even though and in spite of the fact that your pay is low, your hours are long, you have virtually no support staff, and you have a very short span of time in which to complete your work. I admire what you do. I am honored to know you, and I am honored to work with you on behalf of the people of the State of Nevada. I also know that this is crunch time and I respect your time. I am going to try to be mercifully short in my comments. That is extraordinarily difficult for me because I have a lot of issues I would love to share with you. In the interest of time and knowing how valuable it is at this juncture of the Session, I am going to concentrate on four issues I believe are particularly relevant to our state and the people we collectively represent. The four issues I am going to address and share are the issues of the NCAA legislation, transportation issues, education issues, and energy and Yucca Mountain.

Let me first start with the NCAA. Last Congressional Session the NCAA, through Senator John McCain, Congressman Romer, and Lindsay Graham of South Carolina, introduced a piece of Legislation that would make it illegal to bet on collegiate sports in this country. The only problem with that legislation is that the State of Nevada is the only state in the nation that allows legal betting on collegiate sports. To put this in perspective, 380 billion dollars is bet illegally in this country through bookies and on our college campuses. Two billion is bet legally in the State of Nevada in our casinos, where you have to be 21 and present on the property in the casino in order to place that bet. The very notion that outlawing legal gambling in the State of Nevada would somehow magically eliminate the 380 billion that is bet illegally in this country is preposterous. It is almost like outlawing aspirin and saying it is going to get to the illegal drug trade in this nation.

Originally we had a very, very hard time with this legislation. Had it gotten to the floor of either the House or the Senate last Session, I believe this legislation would have passed. I can share with you that when I testified in front of Senator McCain's committee on the Senate side I commented, "If you want to see illegal sports betting all you have to do is go down to the cloak room of the House of Representatives and you can see all the illegal sports betting that you would ever want to see." At that time Senator McCain stopped my testimony and admonished me that I ought not say those things. Sometimes the truth hurts and that statement is the truth. This year we knew what was coming so we preempted their attack on us by introducing legislation to get at the problem of illegal gambling on collegiate sports in this country. Senator Reid and Senator Bryan introduced legislation on the Senate side and Congressman Gibbons and I introduced compatible legislation on the House side. First, it asks for a study through the Justice Department so that we actually know what the problem is, if any, before we start legislating. Second, it doubles the penalties on illegal sports betting on collegiate sports, and third, and I think most significant, it makes the NCAA and the member institutions responsible for what happens on college campuses. The NCAA has been derelict in its duty in enforcing anti gaming rules and regulations in the member institutions.

They are not protecting our student athletes; they are not protecting the students on these campuses. To blame the State of Nevada for their shortcomings, I think is a tragedy and a mistake. If the legislation passes eliminating collegiate betting, it may in fact eliminate the two billion dollars bet legally in the State of Nevada, but it will not do one thing to eliminate the illegal gambling that is rampant on our college campuses and on almost every street corner throughout the United States in every major metropolitan area. On the House side, Representative Gibbons and I have been able to get 90 original co-sponsors on our legislation. Hearings have not been scheduled in the House Judiciary Committee. On the Senate side, Senator McCain will be starting his hearings as soon as we get back from our spring recess. We are scheduled to start in the Senate on April 26th. These hearings are going to receive great publicity across the United States and will be on CNN and CSPAN. This is big news in our country and we are going to work very hard to make sure that the Federal Government does not intrude on the most well-regulated and well-taxed industry in the State of Nevada. It is well run and they have no business being here. If I thought for a minute the legislation would help our kids one bit I would be for it. Let me mention one other thing about the hypocrisy and sanctimoniousness of the NCAA. The NCAA signed a 6 billion dollar contract with CBS in order to broadcast the final four games in the NCAA tournament. Let me suggest to them, as I have on many occasions, let them take a part of that 6 billion dollars, I'm talking with a "b," 6 billion, and plow it back into programs on our college campuses. Let these kids know that gambling is wrong, they shouldn't be doing it, and if they are they will be punished. It is the NCAA and the member institutions that need to step up to the plate and stop blaming the State of Nevada for their shortcomings.

Let me speak briefly about transportation. As the fastest growing state in the United States, with many of our communities ranking in the top 1 percent of fast growing communities in the United States, there is probably no more important issue than transportation. All of your constituents are complaining about it and I know mine are as well. I sit on the Transportation Committee and I sit on the Ground Transportation Subcommittee and the Aviation Subcommittee, which gives me a great vantage point and gives me the ability to bring needed dollars back to the State of Nevada. I do not want to talk about what we were able to do last Congressional Session, but I would like to be forward thinking and let you know that we worked very, very closely with NDOT, RTC, and McCarran Airport as a tight knit team to be sure that all of our needs were met.

I would like to share with you some of the programs for which we are requesting Federal funding this session. We are going to fight for them and get as many projects done as we possibly can. We are requesting Federal funding for a freeway and arterial system for transportation called the FAST system. That will be the focal point in monitoring, collection, and dissemination of all Las Vegas Valley transportation. We are also requesting funding for widening US 95 in Northwest Las Vegas. US 95 in Northwest Las Vegas is the most congested freeway in Nevada. The overall project will widen US 95 in Northwest Las Vegas to five lanes in each direction from the Spaghetti Bowl to Rainbow and three lanes in each direction from

Rainbow to Craig Road plus make a number of surface street improvements. This is very critical to our communities. Not only does good transportation flow improve everybody's quality of life because you are not stuck in traffic for hours when you would rather be on the soccer field with your kids, but it also helps with pollutants so that your car is not idling minute after minute, hour after hour on our streets. We are also requesting funding to widen Saint Rose Parkway and I-15 interchange in Henderson, Nevada. This project in Henderson proposes to widen the existing two-lane facility to an eight-lane divided arterial with managed access.

We are also asking for funding for implementation of the bus-rapid transit project in the Las Vegas Boulevard north corridor. Why is that important—this corridor is the third busiest in our CAT system. It is crowded with 8000 passengers per day, crowded to capacity for a 13-hour peak period. We are going to purchase five new vehicles with the hope of an additional five after that. Additionally along with the funds we are requesting for the buses we are asking for an additional 2 million dollars in order to have intelligent transportation, which is the software to implement it so the buses will work. It is a very important project and will help us get the congestion off the southern Nevada highways. Finally we are requesting more federal dollars to complete the southern beltway in Henderson. This project will go from Stephanie to I-515 with a new interchange proposed for I-515, Lake Mead, and Henderson. Those are very important projects for us and we will continue to fight and make sure we get them all. The problem we have had for years and years is that the federal dollars that we send to Washington don't come back this way. It is a problem that all of the growth areas, particularly in the western United States, have. We are finally uniting together as a Western States Caucus to make sure we get our fair share of federal funding when it comes to transportation dollars.

When it comes to aviation we had great success in the last Session. We passed legislation, which helped all of the airports in the State of Nevada. We were able to get direct flights from Las Vegas to London to continue bringing people from abroad. We added four slots at McCarran Airport to go from Las Vegas to Washington DC. We were able to get started on the Ivanpah Airport as well. This took the concerted effort of the four delegation members working in conjunction with each other, putting aside partisan politics, to make sure that we would bring home the much needed dollars for the State of Nevada. There are other issues and funds we are asking for in this Session that are very, very important. We are requesting funding for improvement projects in the FAA budget for McCarran Airport as well as the smaller airports in the McCarran Airport system. McCarran Airport now serves 37 million passengers a year. It is the seventh busiest airport in the world. We need to make sure we have the resources necessary to continue the expansion and to continue serving safely.

We are requesting 2 million dollars for a global positioning satellite. This is an augmentation system that will enable the Federal Aviation Administration to establish global positioning satellite instruments for the approach and departure procedures at each of our Las Vegas Valley airports. We are also requesting \$300,000 for an automatic surface observation system for the Henderson Executive Airport. At this time we are worried about the need to continue to upgrade in order to continue to provide safe aviation services to the people that fly out of the Henderson Airport. This is very, very important. We are also requesting money to construct a new air traffic control tower at McCarran Airport. The old tower is outdated and could not possibly serve the 37 million visitors that we have. Currently there are air traffic controller blind spots and we need to eliminate those by building this new tower. We are also requesting money for the North Las Vegas Airport so we can make sure their aircraft movement area sensor keeps up with the 21st Century technology. These are very important issues for the state and this community because they provide safety, not only for our own families, but people who live here in Nevada and the several million people that come to Nevada every year to enjoy our wholesome family entertainment.

Let me go on to education issues. There are many things we are doing on the Federal level, but I am going to concentrate on after school programs. There isn't a state in the United States that needs these after school programs more than we do. Why is that—because we have one of the highest drop out rates in the nation; we have a preponderance of single parent households. Without people at home to supervise these kids after school, they come home to empty houses. We have many, many latchkey kids. Ask Metro or any of our police departments and you will find the highest time for juvenile crime is between 3:00 p.m. and 6:00 p.m. Why? Because our

kids are home unsupervised. If we can provide a wholesome environment for these kids to get a little extra tutoring, help with homework, recreational activities, and a nutritional snack right on the school premises I think we have done a very important thing. We also have a very large non-English speaking population in this state. If we can help these kids by keeping them in school, keeping them interested, and giving additional tutoring I think we will be doing something very important for our children.

There isn't a state in the nation that needs these after school programs, summer school programs, drop out prevention programs more than we do. I don't think for a minute that Federal funding and the Federal government can possibly take the place of parental involvement, local control, or a state legislature that prioritizes education. I do know that with the programs we have been able to get funding for over the past two years we have been able to provide after school programs in a cluster school group, which means that we follow these kids from the 1st grade to the 12th grade.

Last session we received a \$640,000 grant from the Federal government to create after school programs. Yesterday I had the opportunity to go to Roy Martin Middle School and what I saw was absolutely amazing and should make us all proud. After school these kids are staying they are getting help with their math homework, they are learning computers, and most of these kids don't have computers at home. They need the extra time on the computers in school so they learn how to access this technology. Let's face it, the education you and I received was wonderful for the lives we are leading, but it is obsolete for the lives that our children and our children's children are going to be leading. This is a high tech world that we are living in and these kids need to have access to those computers. Let me tell you about another program, which in and of itself didn't seem like much, but it is just extraordinary. I walked into one of these classrooms and the teacher was playing Taboo with the kids. There were about 20 kids there, why—because these kids come from non-English speaking families. They are learning to improve their vocabulary and enjoying themselves as well—what an incredibly extraordinarily simple but wonderful program to have. There is a group of kids at Roy Martin Middle School that are very talented, they play instruments and have created an after school Mariachi band. A Mariachi band at Roy Martin Middle School serenaded me. How terrific to be educating these kids, opening their minds, and giving them an opportunity for their talents to blossom. We need to keep these kids in school—that's what after school programs do and that is why they are so important and that is why we are going to continue to fight for them. This after school program does one other thing—starting at 6:00 p.m. it becomes a school for their parents to come and learn English—that is the value of an after school program and again we will continue to fight for those programs so that every child can enjoy a piece of the American dream.

Energy and Yucca Mountain—Twenty-five years ago when I was in law school I remember idling in line at the gas station waiting for my turn to get \$5 of gas because of the energy crisis. I cannot believe that in twenty-five years this country has not developed a national energy policy so that we could avoid these continual energy crises, which are going to continue to get worse in this country. I am appalled at the fact that we are still relying on fossil fuel energy and foreign oil in order to feed the energy addiction of this nation. I am particularly pleased that you just passed legislation regarding renewables, mandating that the utility companies look to the renewables to get an increasing percentage of the energy we are going to use in the State of Nevada. This is forward thinking, you ought to be applauded.

I have co-sponsored legislation in Congress that is going to be compatible with your legislation. It will provide tax breaks and tax credits so that companies that concentrate on renewable energy sources are going to be able to do that and provide it for our utility companies so they can keep the lights on in our state, our community, and in our homes. I do not believe that drilling in the Arctic or drilling in the pristine areas of Alaska is the way to go. All it will do is add a few more months of fuel to our nation's needs. What we need to do is be forward thinking and looking into the future. Conservation—we talked about it for years and years and when energy became cheap for a while we all forgot the conservation. We need to go into renewable, we need to go into conservation, and I believe the technology in this nation is going to give us the opportunity, over the next decade, to come up with new sources of energy. We must do this.

It is inconceivable to me that this nation is even entertaining the notion of increasing nuclear energy supplies. How in the world could we be talking about building new nuclear reactors and increasing nuclear energy when we have never figured out a way of dealing with the by-product of nuclear energy—nuclear waste—the most toxic substance known to mankind. It is extraordinary to me that this is even being suggested in our nation's capital. What worries me tremendously is that the DOE budget has a 14 percent increase in the Yucca Mountain funding. That is an ominous sign and I will fight that with every breath of my body because the people of the State of Nevada do not want to be the nuclear dump for the rest of this nation. The very notion that we are suggesting that 77,000 tons of toxic nuclear material is going across 43 states before it gets to this state to be buried in a giant hole in Nevada's desert is ridiculous. We know there are ground water problems, seismic and volcanic activity which could result in catastrophic consequences when it comes to the health and welfare of our families, the health of our environment, and the health of our economy. If anybody doesn't think that one accident would turn Las Vegas into a ghost town, I would beg to differ with them. People aren't going to come and spend their disposable income at a destination resort area if they think they are going to be polluted by nuclear waste. This is a fight, this is a hill to die for, and I cannot tell you how happy I am that this legislature has taken an extremely strong stand against Yucca Mountain and putting the nuclear repository here in our backyard. Thank you for your support.

The DOE's budget request for the Yucca Mountain project is up, as I said, 14 percent this year. This request describes plans to begin the design work for the dump and logistics for shipping nuclear waste to Nevada. This budget request is predicated in clear language on an assumption that Yucca will be approved. This approval is despite the fact that Yucca Mountain does not meet the standards required by law. It has been proven unsafe, clearly unable to contain radiation. I am hopeful however, that the Nevada delegation will again be able to prevail. We have the facts on our side; we were able to stop interim storage last year. I expect to make more progress this year convincing my colleagues that Yucca Mountain is not the solution to the nuclear waste problem in this nation and that tens of millions of people around this country are also threatened by highway and rail shipments of nuclear waste. That is why it is vitally important that this Nevada Legislature and our local governments continue to send a unified and clear message to Washington. No high level nuclear waste in Nevada. I commend you again for your strong voice against Yucca Mountain, and I encourage you to provide the resources to educate people in other states about the dangers of nuclear waste transportation and to fight this in the courts.

I want to thank you for giving me this opportunity to share some thoughts with you. I realize it is very late in the Session and you have much to do so I am particularly grateful to you for listening so quietly and patiently. Thank you all for the work you do. I love representing this state and I am very, very proud to count myself among you. Thank you very much.

Senator Care moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Berkley for her timely, able and constructive message.

Seconded by Assemblywoman Smith.

Motion carried unanimously.

The Committee on Escort escorted Representative Berkley to the bar of the Assembly.

Senator Rawson moved that the Joint Session be dissolved.

Seconded by Assemblyman Parks.

Motion carried.

Joint Session dissolved at 5:57 p.m.

ASSEMBLY IN SESSION

At 5:59 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 213, 214, 337, 341, 397, 399, 422, 431, 443, 451, 452, 499, 535, 540, 542, 547, 548, 549, 574, 581, 582, 609, 628, 632, 638, 643, 660; Assembly Joint Resolution No. 7 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Ruff, Travis Clinton, Deanna Roberts and Joanne Roberts.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Mosey.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Bernice Sheldon, Gene Sheldon and Marian Bryte.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Wright, Carmelo Urza, Joe Crowley, Bill Douglass, Susan Thompson, Nancy Beach and Kelly Corrigan.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Black, Kaitlyn Black and Lisa Black.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Zola.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 19, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 6:01 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 19, 2001

Assembly called to order at 10:53 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, Reverend Ruth Hanusa.

Dear God, today we recall the Oklahoma bombing of six years ago. We remember our shock and outrage, the unbelievable carnage and chaos, the grief and despair. We thank You for sustaining the survivors who were so badly battered in body and spirit, and we thank You for bringing to them a measure of new life. We, too, live in the midst of life and death. Give us a clear mission, great courage and heartfelt compassion so that we may choose those things which finally bring forth life and not death.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 637, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 60, 95, 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 639, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 644, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 647, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 12, 14, 150, 151, 252; Senate Bills Nos. 118, 298, 323, 352, 501.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 23, 24.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 51, 54, 57, 219, 233, 243, 252, 258, 374, 376, 527, 550.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen de Braga, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel,

McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators McGinness, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 25—Memorializing former Assemblyman and philanthropist Harold E. Fitz.

WHEREAS, The members of the 71st session of the Nevada Legislature join the residents of Churchill County and many others in remembering the life and mourning the loss of former Assemblyman Harold E. Fitz; and

WHEREAS, Harold E. Fitz was born on August 7, 1902, in DeWitt, Michigan, to Victor and Lydia Fitz, and was just 2 years of age when his parents homesteaded in Stillwater, Nevada; and

WHEREAS, After graduating from Stillwater School, Harold Fitz worked on his family's farm and in the Virginia City and Silver City mines before leaving for Los Angeles to work for the city's survey division; and

WHEREAS, Harold Fitz attended night school to become a registered surveyor and used that knowledge in the years following as a foreman for the Civilian Conservation Corps, as a surveyor for the Navy at the Naval Auxiliary Air Station Fallon and the Hawthorne Naval Ammunition Depot, and in his job with the Andy Drumm Construction Company; and

WHEREAS, On September 18, 1928, Harold Fitz married Catherine Amelia Lerch, whom he called "my little Susie," which was subsequently shortened to "Suse," and who would be his loving companion for the next 72 years; and

WHEREAS, In 1929, Harold and Catherine Fitz purchased a wheat farm near his family homestead and, in the 1940s, bought several other ranches in Churchill County; and

WHEREAS, Harold and Catherine Fitz were generous philanthropists who created perpetual scholarships at the University of Nevada, Reno, and Western Nevada Community College and gave to various organizations and causes including the Shriners Hospital in Sacramento, the Churchill County Museum, the Alzheimer research program at the University of Nevada, Reno, and four Scottish Rite Childhood Language Disorders Clinics in Northern Nevada; and

WHEREAS, Always looking for ways to help the hard-working farmers of the area, Harold Fitz was a leader in the local soil conservation program and the Stillwater Farm Bureau and was instrumental in the purchase of large farm equipment from the Federal Government that could be used by participants of the soil conservation program; and

WHEREAS, Harold Fitz found many ways to be involved with his community, which included being a Master Mason for 72 years, a member of the Scottish Rite Masonic Order for 50 years, a member of the Kerak Shrine and Chairman of the Democratic Central Committee of Churchill County; and

WHEREAS, In 1958, Harold Fitz was appointed to fill a vacancy in the Assembly for the special session held that year and was elected to serve another term in 1959, and during these years his expertise was valuable on several committees including Agriculture and Irrigation, State Libraries, Livestock, Military and Indian Affairs, and Ways and Means; and

WHEREAS, A man of many talents and interests, Harold Fitz enjoyed traveling, reading, fishing and hunting and was a championship marksman with the Nevada State Rifle Team; and

WHEREAS, In 1998, Harold and Catherine Fitz were presented with honorary associate degrees by Western Nevada Community College to acknowledge their contributions to higher education in Nevada; and

WHEREAS, Harold Fitz's keen mind, generous spirit and zest for life will live on in the hearts of those who knew and loved him, especially his wife, Catherine "Suse," of Fallon, his son, Robert, and daughter, Ruth Pintar, both of Carson City, his brother, George of Yerington, and his 6 grandchildren and 15 great-grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature extends its deepest sympathy to the family and friends of Harold Fitz; and be it further

RESOLVED, That the gazebo erected by Harold and Catherine Fitz in Laura Mills Park in Fallon will be a reminder of the generosity of a man whose desire to help others found expression in numerous ways throughout his life; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to his wife of 72 years, Catherine “Suse” Fitz.

Assemblyman de Braga moved the adoption of the resolution.

Remarks by Assemblyman de Braga.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN DE BRAGA:

Thank you, Mr. Speaker. An article written not too long ago by Rollan Melton described Harold Fitz as being the very image of a curmudgeon—but a curmudgeon who is really a very warm and caring person. Throughout his very long life, Harold never stopped learning and his passion for politics and world affairs never weakened. He and my father were friends, but they argued incessantly whenever they were together. Interestingly, in the last few months of Harold’s life, he and my father were in the same assisted living home. On more than one occasion, their political discussions reached such a heated level that they had to be separated by a staff member.

Harold was known as “Mr. Democrat” in Churchill County—but he referred to himself as a “damn conservative Democrat” who frequently voted for Republicans. During his first year in the Nevada Legislature, which was 1959, he was chairman of the committee to remodel the Governor’s Mansion. There wasn’t enough money to furnish or carpet the mansion. When then Governor and Mrs. Grant Sawyer moved in, they had to sit on boxes. But, that didn’t last too long after Harold took control. In a short time, the mansion was completed and at no expense to the taxpayers.

Interesting to note that Harold served on many legislative committees that no longer exist in the same form, including: Agriculture and Irrigation, State Libraries, Livestock, and Military and Indian Affairs.

Harold and his wife of 72 years, Suse, were, throughout their lives, wonderful neighbors who gave generously of their time and their assets to make others’ lives easier. Their contributions to their community and to education are legend. And, most of them are listed in the resolution. I just want to add that it has been my great pleasure to be associated with the Fitz family over the years and to be able to memorialize someone who has done so much for so many.

Resolution adopted unanimously.

Assemblyman de Braga moved that all rules be suspended and that Assembly Concurrent Resolution No. 25 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Ohrenschall, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O’Connell, O’Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 26—Commending the musical group R.E.M. for encouraging the prevention of teen suicide in one of their songs.

WHEREAS, Suicide is the eighth leading cause of death in the United States and the third leading cause of death among teenagers 15 to 19 years of age; and

WHEREAS, The national suicide rate has more than tripled in the last four decades, a tragedy in itself and a source of devastation to millions of family members and loved ones; and

WHEREAS, The alarming prevalence of suicide in the United States has even caused the Surgeon General in 1999 to publicly recognize suicide as a public health problem; and

WHEREAS, According to the National Center for Health Statistics, Nevada has the highest rate of suicide per capita in this country; and

WHEREAS, In 1999, 20 percent of high school students reported having seriously considered or having attempted suicide during the previous 12 months, and 8 percent of those who seriously considered suicide actually attempted suicide; and

WHEREAS, Teen suicide is one of the most disruptive and tragic events a community can experience as it mourns society's loss of the unique contribution that could have been made by that particular person; and

WHEREAS, The greatest tragedy is that research shows us that 95 percent of all teen suicides are preventable; and

WHEREAS, It is morally imperative that the residents of this state do all that is possible to aid in the prevention of teen suicide and assist depressed or despondent youth to gain a healthy perspective of their problems; and

WHEREAS, In 1992, the musical group R.E.M. produced a song, "Everybody Hurts," to make others aware that everybody feels pain and gets depressed, but that a person can get through the pain and depression without resorting to suicide and

WHEREAS, R.E.M. used the medium of rock and roll music to reach out to troubled teenagers worldwide in a positive and effective way with the message "hold on"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the musical group R.E.M. is hereby commended for addressing this issue directly and for effectively suggesting a different perspective to persons who are contemplating suicide; and be it further

RESOLVED, That the residents of the State of Nevada take notice of the alarming prevalence of teen suicide in the State of Nevada and do all they can to help others hold on to life; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the musical group R.E.M.

Assemblywoman Ohrenscha11 moved the adoption of the resolution.

Remarks by Assemblywoman Ohrenscha11.

Assemblyman Carpenter requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. The problem of teen suicide is one that is ripping the whole country apart. In Nevada, we have the highest per capita rate of teen suicide in the entire United States. We have not given enough; to look to young people and having youths speak to youth. This song, through R.E.M., does that. I hope that it will be the beginning of a burgeoning public/private partnership, that will provide centers for young people to go to, where they can feel that they have a certain amount of privacy, to discuss things that are happening.

The bill started when I was precinct walking. I knocked on a door and met a young lady who told me she was not interested in voting because she did not see that the Nevada Legislature had any relevance to her life. As we continued to talk, she told me about a period of depression she had suffered and the effect this song had had on her. She told me that R.E.M. had done more for her because it had saved her life with this song, "Everybody Hurts," than she could possibly conceive the Nevada Legislature could do. She said she did not think that the Nevada Legislature could really understand what young people go through. I told her, at that time, that I felt that we could and that we would introduce a resolution, commending the group, as a sign to her and

other teens that this state wants to invest in our youth and to save them. I would like to, with your permission, to just read a very small part of the lyrics so that the Assembly can understand.

Some of the lyrics:

“When the day is long, and the night, the night is yours alone; when you’re sure you have had enough of this life, well, hang on. Don’t let yourself go. Everybody cries. And everybody hurts, sometimes. Sometimes everything is wrong. Now it’s time to sing along. When your day is night alone, hold on, hold on. If you feel like letting go, hold on. When you think you’ve had too much of this life, well, hang on. Everybody hurts. Don’t throw your hand. Oh no, don’t throw your hand. If you feel like you are alone—No! No! No! You are not alone. If you are on your own in this life, the days and nights are long, when you think you have had too much of this life to hang on. Well, everybody hurts sometimes. Everybody cries. And everybody hurts sometimes. And everybody hurts sometimes. So hold on, hold on.”

It goes on with that theme of holding on. It’s inspired many people. It’s been credited by celebrities, too, in moments of crisis with helping them to avoid possibility of suicide. We all know suicide is a permanent solution to a temporary problem. Mr. Speaker, with your permission, I would like to add a letter from the Honorable Harry Reid, concerning this issue. It is dated April 3, 2001:

“Thank you for your efforts to increase awareness about the problem of teen suicide. Your resolution recognizes the influential role of musicians and other celebrities play in the lives of teens today. R.E.M. is to be commended for reaching out through their music to troubled teens. As you know, I have been working at the Federal level for many years, to increase awareness about suicide and to establish a national suicide prevention strategy. Effective efforts to combat suicide will involve coordination on local, state and Federal levels. I look forward to working with you. Again, thank you for your leadership on this issue. Please do not hesitate to contact me if I can be of assistance.”

I wish to commend our Assembly and our Senate for taking the leadership, not in Nevada, but nationally, in highlighting the problem and beginning to work on solutions. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblywoman Ohrenschall moved that all rules be suspended and that Assembly Concurrent Resolution No. 26 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblywoman Buckley moved that the reading of the history of Senate Bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Dini and Senator Amodei (emergency request of Perkins):

Assembly Bill No. 663—AN ACT relating to cities; clarifying the authority of the first elected city council and mayor to enact and sign ordinances, respectively, to fix their own salaries and those of other officers before the incorporation of the city becomes effective; providing for the continued existence of the North Lyon County Fire Protection District

following the incorporation of the City of Fernley; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 51.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 54.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 57.

Assemblyman Parks moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 118.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 219.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 233.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 243.

Assemblyman Parks moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 252.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 258.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 298.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 323.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 352.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 374.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 376.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 501.

Assemblyman Parks moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 527.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 550.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 381.

Amend the bill as a whole by deleting sections 1 and 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Section 1.130 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 187, Statutes of Nevada 1999, at page 914, is hereby amended to read as follows:

Sec. 1.130 Wards: Creation; boundaries.

1. The city must be divided into six wards upon the approval of the voters. Thereafter, the wards may be increased:

(a) By the city council if it determines that an increase is necessary; or

(b) Upon approval of a question proposing an increase to a specific number of wards by a majority of the voters voting on the question. Such a question must be submitted to the voters on the ballot at a general election ~~for general city election~~ if the city council votes for the submission of the question on its own motion or if a petition signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding general election is submitted to the city council requesting an increase to a specific number of wards.

The wards must be as nearly equal in population as can conveniently be provided, and the territory which comprises each ward must be contiguous.

2. The boundaries of the wards must be established and changed by ordinance. The boundaries of the wards must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent. The boundaries of the wards may be changed to include territory which has been annexed and whenever the population in any ward exceeds the population in any other ward by more than 5 percent by any measure which is found reliable by the city council.

3. *The office of an additional councilman created as a result of an increase in the number of wards pursuant to subsection 1 must be filled initially at the general city election immediately following:*

(a) *The date on which the city council determined that an increase in the number of wards was necessary pursuant to paragraph (a) of subsection 1; or*

(b) *The general election at which the question proposing the increase in wards is approved by the voters pursuant to paragraph (b) of subsection 1. Such an office must not be filled initially by appointment.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to the charter of the City of Las Vegas; providing that the office of an additional councilman created as the result of an increase in the number of wards must be filled initially by election; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Amends charter of City of Las Vegas to provide that office of additional councilman created as result of increase in number of wards must be filled initially by election. (BDR S-71)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 279.

Bill read second time.

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

Amendment No. 279.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 617 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if a person employed in this state contracts a contagious disease that results in a temporary or permanent disability or death, the disease is an occupational disease and compensable as such under the provisions of this chapter if:

(a) It is demonstrated that the employee was exposed to the contagious disease during the course and scope of his employment;

(b) The employee reported the exposure to his employer in compliance with the reporting requirements adopted by the employer; and

(c) A test to screen for the contagious disease that is approved by the state board of health is administered to the employee:

(1) Within 72 hours after the date of the exposure and the employee tests negative for exposure to the contagious disease; and

(2) After the incubation period for the contagious disease, as determined by the state board of health, but not later than 12 months after the date of the exposure, and the employee tests positive for exposure to the contagious disease.

2. Such an employee and his dependents are excluded from the benefits of this section if:

(a) The employee refuses to be tested for exposure to the contagious disease as required by subsection 1;

(b) The employee or his dependents are eligible to receive compensation pursuant to paragraph (b) of subsection 2 of NRS 616A.265 or NRS 616C.052; or

(c) It is proven by clear and convincing evidence that the contagious disease did not arise out of and in the course of the employment.

3. *All tests for exposure to the contagious disease that are required pursuant to subsection 1 must be paid for by the employer.*

4. *Compensation awarded to an employee or his dependents pursuant to this section must include:*

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

5. *As used in this section:*

(a) "Contagious disease" means hepatitis A, hepatitis B, hepatitis C, tuberculosis, the human immunodeficiency virus or acquired immune deficiency syndrome.

(b) "Exposed" or "exposure" means the introduction of blood or other infectious materials into the body of an employee during the performance of his official duties through the skin, eye, mucous membrane or parenteral contact. The term includes contact with airborne materials carrying tuberculosis.

Sec. 2. The provisions of this act do not apply to an employee who, before October 1, 2001, is receiving compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS."

Amend the title of the bill, second line, by deleting: "providers of health care" and inserting "employees".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for availability of industrial insurance benefits to employees for exposure to certain contagious diseases. (BDR 53-123)".

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 656.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 433.

Amend section 1, page 1, line 17, by deleting "*that date.*" and inserting: "*the calendar quarter in which the business ceases its operation.*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 213 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

Assemblywoman Buckley moved that the reading of the history of Assembly Bills on the General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblymen Bache and Beers.

Roll call on Assembly Bill No. 61:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 214:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 220.

Bill read third time.

Roll call on Assembly Bill No. 220:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 295.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 295:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 336.

Bill read third time.

Roll call on Assembly Bill No. 336:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Assembly Bill No. 337:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 341 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Assembly Bill No. 397:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399.

Bill read third time.

Remarks by Assemblyman Ocegueda.

Roll call on Assembly Bill No. 399:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 422:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 422 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblymen Anderson, Arberry, Bache, Beers, Carpenter, Giunchigliani, Koivisto, McClain, Neighbors, Ocegüera, Parks, Parnell, Perkins and Williams.

Potential conflict of interest declared by Assemblymen Anderson, Arberry, Bache, Beers, Carpenter, Giunchigliani, Koivisto, McClain, Neighbors, Ocegüera, Parks, Parnell, Perkins and Williams.

Roll call on Assembly Bill No. 431:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Lee, Hettrick, Beers, Buckley, Humke, Collins, Chowning and Dini.

Assemblymen Dini, Goldwater and Williams moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 442.

Roll call on Assembly Bill No. 442:

YEAS—15.

NAYS—Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Gustavson, Hettrick, Humke, Lee, Marvel, Mortenson, Neighbors, Ocegüera, Tiffany, Von Tobel, Williams—25.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 442 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 443:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 446.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 446:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 446 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 451:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Gustavson.

Roll call on Assembly Bill No. 452:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lee gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 442 was this day refused passage.

GENERAL FILE AND THIRD READING

Assembly Bill No. 476.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 476:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 476 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 487:

YEAS—39.

NAYS—Collins.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Remarks by Assemblyman Williams.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 12:07 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 499 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblymen Williams, Brower, Gibbons and Chowning.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. AB 500 relates to racial profiling and statistical study concerning traffic stops. The bill amends Chapter 289 of the Nevada Revised Statutes to state that a peace officer shall not engage in racial profiling, which is defined as reliance by a peace officer upon race, ethnicity or national origin of a person as a factor in initiating action. The act further directs the Office of the Attorney General to conduct a study of traffic stops by Nevada Highway Patrol, local law enforcement agencies and counties whose population is 100,000 or more. To carry out the study, the AG shall do so based upon recommendations by DMV, Public Safety heads and also law enforcement agencies who will be affected by this particular act.

I would submit, Mr. Speaker, to my colleagues today, that it is very difficult to imagine any activity that is more American than driving a car. We, as Americans, have always treasured our cars and we've always looked at driving in our cars as part of the American dream. Today we use our cars for almost everything. We use them for our offices, for entertainment, for educational excursions, and even for eateries. Therefore, it should be no surprise to us that when this activity is compromised there would be public outrage. Unfortunately, the compromises of driving forced upon a select group can sometimes go unnoticed. So, I would submit to you, Mr. Speaker, that statistics throughout the nation, surrounding what is commonly known as "DWB" or "Driving While Black" or "Driving With Blacks," has produced some startling statistics in America.

Currently, case studies indicate that 82 percent of all cars that are stopped by law enforcement, of African Americans, are illegally searched. You will also find that from a poll that was done by the Justice Department that 56 percent of white Americans and 77 percent of African Americans feel that racial profiling is widespread and should be addressed by our nation.

Currently, when traffic stops occur, African Americans, Hispanics and others who are considered "minorities" are stopped, on average, for 12.5 minutes. This is in contrast to only 4.6 minutes when it comes to whites. For many African Americans, and I would also add Hispanic and other minorities throughout our nation, the emotional cost of "DWB" is profound. Many people who are stopped or become subject of these stops suffer depression. Many of them miss work because of this depression. I would submit, Mr. Speaker, that the most painful and devastating experience of all of these is when African American parents instruct their children that when, not if, they are stopped by law enforcement and police officers, to do certain things that, as a result, will cause a very negative, devastating oppression of law enforcement. I would agree, I think most people here would agree, that such is something that our society can not tolerate.

This particular piece of legislation, as mentioned in committee, has no intentions of being punitive to law enforcement. It is one we hope will enhance the perception of law enforcement and give law enforcement the cooperation and respect that it deserves. By the same token, it will give our communities and drivers throughout our nation the respect and type of relationships we think our country deserves.

Mr. Speaker, I would like to also commend our current President, George W. Bush, for making, in his very first speech to Congress, the suggestion that our country look at racial profiling, and make that one of our number one priorities. As a result, our new Attorney General Ashcroft, on four different occasions, said that racial profiling should be an issue that America should address. As a result, there are a number of bills in Congress that address this issue. One in particular, that compromises highway funds to states if states do not look at this issue and start to move in a direction to eliminate this.

I would very proudly and gladly like to commend and recognize my intern for this session, Noah Fischer, who selected this bill as his project for the session and has done an outstanding job. I would also like to thank the chairman of the Judiciary committee, as well as members of the committee. More importantly, all of law enforcement who came to the table agreed that we should not debate whether racial profiling happens, but debate how we in Nevada will make sure it is eliminated in our particular state. I would also commend our own Attorney General,

Frankie Sue Del Papa, who came to us before we went to her, and said this was something she understood and she looked forward to working with law enforcement to eliminate it. I would suggest and urge my colleagues to vote positively on this bill. Thank you very much.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. I rise in support of AB 500. Let me just briefly commend my friend from District 6 for bringing this bill to this body this session. I also want to commend, as my friend has, law enforcement agencies from around the state and the Attorney General. As this body well knows, I think, in other states in our country, this issue has not been so easy to deal with. There have been intense arguments, there have been floor fights in legislatures, there have even been vetoes by governors. But here, at least so far in Nevada, there has been nothing but cooperation as my colleague has pointed out. I urge your support and thank my colleague once again for bringing this to our attention. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of AB 500 and salute my colleague and his intern for bringing this forth. They have done a marvelous job. I am just very saddened that this bill has to be brought forth and in the 21st Century but such as it is. I am very happy this body has chosen to do something.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I rise in strong support of AB 500 and I commend my colleague from District 6 for bringing it forward. I would like to point out to the body that some of the items that have to be included in the study on page 2, include, along with race, ethnicity, gender and approximate age, as well as a statement whether the immigration status of the driver was questioned. Unfortunately, that is a part of the study. Unfortunately, that too many times occurs. I would also like to commend all of the excellent officers that we have, who do not engage in this type of practice. It is because there are these practices occurring that our nation is putting attention to this. So, again, I stand in strong support of AB 500.

Roll call on Assembly Bill No. 500:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 535:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 540.

Bill read third time.

Roll call on Assembly Bill No. 540:

YEAS—39.

NAYS—None.

NOT VOTING—Carpenter.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 540 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 542:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 547.

Bill read third time.

Remarks by Assemblymen Anderson and Goldwater.

Conflict of interest declared by Assemblyman Goldwater.

Roll call on Assembly Bill No. 547:

YEAS—39.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 548.

Bill read third time.

Roll call on Assembly Bill No. 548:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Roll call on Assembly Bill No. 549:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 574.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 574:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581.

Bill read third time.

Remarks by Assemblymen McClain and Carpenter.

Roll call on Assembly Bill No. 581:

YEAS—31.

NAYS—Angle, Beers, Brown, Carpenter, Gustavson, Hettrick, Marvel, Tiffany, Von Tobel—9.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 582.

Bill read third time.

Roll call on Assembly Bill No. 582:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 582 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 609.

Bill read third time.

Roll call on Assembly Bill No. 609:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 609 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 628.

Bill read third time.

Remarks by Assemblymen Dini and Ocegueda.

Mr. Speaker requested the privilege of the chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen Ocegüera and Perkins.

Roll call on Assembly Bill No. 628:

YEAS—38.

NAYS—Gustavson, Hettrick—2.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 628 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 632.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Assembly Bill No. 632:

YEAS—33.

NAYS—Angle, Buckley, Giunchigliani, Gustavson, Parnell, Smith, Von Tobel—7.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 632 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 638.

Bill read third time.

Roll call on Assembly Bill No. 638:

YEAS—39.

NAYS—Brower.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 638 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 643.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 643:

YEAS—37.

NAYS—Arberry, Bache, Giunchigliani—3.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 643 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 660.

Bill read third time.

Remarks by Assemblymen Williams, Giunchigliani, Anderson, Bache, Parnell and Von Tobel.

Potential conflict of interest declared by Assemblymen Anderson, Bache, Giunchigliani, Parnell and Von Tobel.

Roll call on Assembly Bill No. 660:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Bill No. 660 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Joint Resolution No. 7:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Nolan—2.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 604, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 369.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Carl Shelly, Artie Valentine and Douglas Webb.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Cradock.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Capurro.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Bud Garfinkle, Betsy Garfinkle, Bobby Garfinkle and Scotty Garfinkle.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Jane Ham.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Gaylyn Spriggs.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Mosey.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Suse Fitz, Ruth Pintar, Robert Fitz, Mike Pintar and Michael Pintar.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Angelo Petrini, Joan Petrini and Mouryne Dini.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Bernie Stockwell and Carl Fuetsch.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Perry and Larry Spittler.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Eddins.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Bogaert.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Louis Capurro.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Maureen Brower.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Dawn Still.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Byron “Bill” Bilyeu and Harry Swanson.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Revent, Tim Hafen and Bill Kissam.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Callon and Nicole Anderson.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Col. Matt Wallace and Lt. Col. Jack Schofield.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 20, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:53 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 20, 2001

Assembly called to order at 10:52 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Carpenter, Freeman, Nolan and Tiffany, who were excused.

Prayer by the Chaplain, Reverend Stan Pesis.

Lord God of the Universe, to You and through You, may the ladies and gentlemen of this Assembly be given clarity of vision in the midst of turmoil and the press of business to govern the people of the State of Nevada with justice. Give them, and the support staff that makes their work possible, respite that all may then return to the fray refreshed for the work and decisions that lie ahead.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Manendo moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 289, 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 634, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 568, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 586, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 133, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 629, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 254.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 19, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 25, 26.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 532, 540, 543.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 88, 91, 113, 145, 196, 198, 204, 255, 317, 329, 339, 350, 363, 366, 470, 473, 480, 525.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 572.

MARK STEVENS
Fiscal Analysis Division

Assembly Concurrent Resolution No. 7.

Resolution read.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:00 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that the reading of the history of Senate Bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 88.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 91.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 113.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 145.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 196.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 198.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 204.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 254.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 255.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 317.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 329.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 339.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Judiciary and Education.

Motion carried.

Senate Bill No. 350.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 363.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 366.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 470.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 473.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 480.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 525.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 532.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 540.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 543.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 435 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 279 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 572 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Giunchigliani moved that the action whereby Assembly Bill No. 279 was re-referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 279 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 77 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 94, 133, 289, 338, 370, 416, 501, 568, 586, 629 and 634 be placed on the Second Reading File.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 647 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 246 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 497.

Amend section 1 of the bill by deleting lines 3 through 7 and inserting:

“1. Except as otherwise provided in subsections 2 and 3, if a child is required to perform any work or community service pursuant to this chapter, the supervising entity shall not allow the child to perform the work or community service on or near a highway or in any other dangerous situation.

2. A supervising entity may allow children to perform work or community service on or near a controlled-access highway if:

(a) The children are not required to perform any work or service in the median of the highway;

(b) The work or service is performed behind a guardrail or other safety barrier;

(c) Appropriate warning signs are placed on the highway at least 100 yards in front of the location where the children are working from both directions, as appropriate based on the speed of the vehicles traveling on the highway;

(d) A vehicle with an amber light placed on top of the vehicle is placed at the site in a manner which shields the children from traffic; and

(e) The children are required to wear reflective vests and orange hats.

3. A supervising entity may allow children to perform work or community service on or near a highway that does not have controlled access if:

(a) The children are not required to perform any work or service in the median of the highway;

(b) Appropriate warning signs are placed at least 100 yards in front of the location where the children are working from both directions, as appropriate based on the speed of the vehicles traveling on the highway;

(c) A vehicle with an amber light placed on top of the vehicle is placed at the site in a manner which shields the children from traffic; and

(d) The children are required to wear reflective vests and orange hats.

4. The supervising entity shall notify the parent or guardian of a child whom it supervises of the nature and location of the work or community service to be performed by the child before taking the child to perform such work or service.”.

Amend section 1, page 1, line 8, by deleting “2.” and inserting “5.”.

Amend section 1, page 1, line 12, after “(b)” by inserting:

“Controlled-access highway” has the meaning ascribed to it in NRS 484.041. (c)”.

Amend section 1, page 1, between lines 13 and 14 by inserting:

“(d) ‘‘Other dangerous situation’’ means any situation that poses a reasonably foreseeable risk that serious bodily harm or injury to a child could occur.

“(e) ‘‘Supervising entity’’ means a person or entity who is responsible for supervising children who are ordered to perform work or community service pursuant to this chapter.’’.

Amend the title of the bill to read as follows:

“AN ACT relating to juveniles; prohibiting an entity that supervises a juvenile who is ordered to perform work or community service from placing the juvenile on a highway except under certain circumstances or in any other dangerous situation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits entity that supervises juvenile who is ordered to perform work or community service from placing juvenile on highway except under certain circumstances or other dangerous situation. (BDR 5-671)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 398.

Amend section 1, page 2, by deleting lines 5 through 9 and inserting:

“working day before the meeting; and

(b) Mailing a copy of the notice to any person who has requested notice”.

Amend section 1, page 2, line 16, after “4.” by inserting:

“A public body may post additional notice of its meetings on its website on the Internet or its successor if the public body maintains such a website. 5.”.

Amend section 1, page 2, line 28, by deleting “5.” and inserting “[~~5.~~ 6.”.

Amend the title of the bill by deleting the first line and inserting:

“AN ACT relating to meetings of public bodies; authorizing a public body to post additional notice of its”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes public body to post additional notice of its meetings on its Internet website, if any. (BDR 18-674)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 455.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, pages 1 and 2, by deleting line 21 on page 1 and lines 1 through 3 on page 2, and inserting:

“classified service. A report must be filed at the end of the 2nd and 5th months of employment if the probationary period is 6 months, or at the end of the 3rd, 7th and 11th months of employment if the probationary period is 12 months.”.

Amend sec. 2, page 2, by deleting lines 8 through 10 and inserting:

“every 12th month thereafter. If the report is not filed ~~[within 30 days after]~~ on or before the required date, the performance of the employee shall be deemed to be standard.”.

Amend the title of the bill to read as follows:

“AN ACT relating to state personnel; revising the provision regarding the filing of an annual report on the performance of a permanent employee; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provision regarding filing of annual report on performance of permanent employee. (BDR 23-343)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 499.

Amend section 1, page 1, line 4, by deleting “21” and inserting “18”.

Amend section 1, page 1, line 9, by deleting “21” and inserting “18”.

Amend the title of the bill, second line, by deleting “21” and inserting “18”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits business from employing, allowing or using person less than 18 years of age to distribute promotional materials that include offer for alcoholic beverages. (BDR 15-131)”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 402.

Amend sec. 2, page 2, by deleting lines 20 through 22 and inserting: ~~“entities. [No more than three members of the governing board may serve on any advisory committee and they must not constitute more than 20 percent of the membership of the committee.]”~~.

Amend sec. 2, page 2, by deleting lines 35 through 38 and inserting: *“fiscal matters, air quality and infrastructure; and*

(b) Make recommendations to the governing board, regional planning”.

Amend the title of the bill by deleting the fourth through ninth lines and inserting: “separately to appoint subcommittees and advisory committees for certain purposes; removing the restriction on the number of members of the governing board that may serve on certain advisory committees; and providing”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 498.

Amend the bill as a whole by deleting sec. 2.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 496.

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the title of the bill by deleting the third line and inserting “and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises order in which arguments must be presented during penalty hearing in cases where death penalty is sought. (BDR 14-1082)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time.

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

Amendment No. 490.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend the title of the bill, fourth and fifth lines, by deleting: “authorizing certain hearing officers or appeals officers to award treble damages to a claimant under certain circumstances;”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 363.

Amend sec. 6, page 4, line 16, by deleting:
“and each passenger”.

Amend sec. 6, page 4, line 19, by deleting “16” and inserting “14”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 491.

Amend the bill as a whole by deleting sections 1 through 18 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

“Section 1. Chapter 460 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 have the meanings ascribed to them in those sections.*

Sec. 3. *"Anatomical gift" has the meaning ascribed to it in NRS 451.513.*

Sec. 4. *"Bureau" means the bureau of consumer protection in the office of the attorney general.*

Sec. 5. *"Consumer's advocate" means the consumer's advocate of the bureau of consumer protection.*

Sec. 6. 1. *The bureau shall:*

(a) *Establish and carry out educational programs relating to anatomical gifts;*

(b) *Establish and carry out local and statewide programs to acknowledge publicly families of donors;*

(c) *Prepare and distribute information relating to anatomical gifts; and*

(d) *If the consumer's advocate determines that there is sufficient money in the anatomical gift account created by section 7 of this act, pay the costs for the transplantation of an organ or tissue, including the cost for any medicine required as a result of the transplantation.*

2. *As used in this section, "donor" has the meaning ascribed to it in NRS 451.525.*

Sec. 7. 1. *The bureau may apply for and accept any gifts, grants, appropriations or donations to assist the bureau in carrying out programs relating to anatomical gifts.*

2. *Any money received by the bureau for programs relating to anatomical gifts must be deposited in the state treasury for credit to the anatomical gift account which is hereby created in the state general fund. The consumer's advocate shall administer the account.*

3. *The money in the account must only be used to:*

(a) *Carry out the provisions of section 6 of this act; and*

(b) *Pay the costs, not to exceed 5 percent of the average balance of the account for each fiscal year, incurred by the bureau to administer programs relating to anatomical gifts.*

4. *The money in the account must:*

(a) *Be invested as money in other state accounts is invested; and*

(b) *Remain in the account and does not revert to the state general fund at the end of any fiscal year.*

5. *Each claim against the account must be:*

(a) *Approved by the consumer's advocate before the claim is paid; and*

(b) *Paid as other claims against the state are paid.*

Sec. 8. NRS 483.340 is hereby amended to read as follows:

483.340 1. The department shall , upon payment of the required fee , issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the full name, date of birth, mailing address [§] and a brief description of the licensee, and a space upon which the licensee shall write

his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the investigation division of the department while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the attorney general while engaged in undercover investigations and agents of the state gaming control board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the chief of the investigation division, the director of the appropriate federal agency, the attorney general or the chairman of the state gaming control board. Such a license is exempt from the fees required by NRS 483.410. The department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance *or renewal* of the driver's license, the department shall ~~give~~ :

(a) Give the holder the opportunity to indicate on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body ~~[-]~~ ;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the anatomical gift account created by section 7 of this act; and

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization.

6. If the holder wishes to make a donation to the anatomical gift account, the department shall collect the donation and deposit the money collected in the state treasury for credit to the anatomical gift account.

7. The department shall submit to The Living Bank International, or its successor organization, information from the records of the department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The department shall adopt regulations to carry out the provisions of this subsection.

Sec. 9. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

A license issued to a person 65 years of age or older	\$14
An original license issued to any other person	19
A renewal license issued to any other person	19
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385	40
Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385	65
A new photograph, change of name, change of other information, except address, or any combination	5
A duplicate license	14

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. The increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.383 and 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Canceled pursuant to NRS 483.310.

7. All fees and penalties are payable to the administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, 483.415 ~~and~~ and 483.840, all money collected by the department pursuant to this chapter must be deposited in the state treasury for credit to the motor vehicle fund.

Sec. 10. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

- (a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder.

(d) The date of birth of the holder.

(e) The current address of the holder in this state.

(f) A colored photograph of the holder in full face if he is 21 years of age or older, or a colored photograph in profile if he is under 21 years of age.

4. At the time of the issuance of the identification card, the department shall ~~give~~ :

(a) Give the holder the opportunity to indicate on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body ~~[-]~~ ;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the anatomical gift account created by section 7 of this act; and

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization.

5. If the holder wishes to make a donation to the anatomical gift account, the department shall collect the donation and deposit the money collected in the state treasury for credit to the anatomical gift account.

6. The department shall submit to The Living Bank International, or its successor organization, information from the records of the department relating to persons who have identification cards issued by the department that indicate the intention of those persons to make an anatomical gift. The department shall adopt regulations to carry out the provisions of this subsection.

7. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 11. This act becomes effective on July 1, 2001."

Amend the title of the bill to read as follows:

"AN ACT relating to anatomical gifts; requiring the bureau of consumer protection in the office of the attorney general to establish certain programs relating to anatomical gifts; creating the anatomical gift account; requiring the department of motor vehicles and public safety to provide certain information to a holder of a driver's license or an identification card issued by the department who wishes to make an anatomical gift; and providing other matters properly relating thereto."

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 604.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 395.

Amend sec. 2, page 2, by deleting lines 12 and 13 and inserting: "*other than money, for faithful and exceptional public service.*".

Amend the title of the bill by deleting the first through fourth lines and inserting:

"AN ACT relating to state employees; changing the circumstances under which the governor or the head of a state agency may issue an award for public service to a state employee; requiring the state board of examiners to".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 637.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 313.

Amend section 1, page 1, line 2, by deleting: "to 14, inclusive," and inserting "and 3".

Amend the bill as a whole by deleting sections 3 through 13, renumbering sections 14 through 16 as sections 3 through 5 and adding new sections designated sections 6 through 9, following sec. 16, to read as follows:

"Sec. 6. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the secretary of state finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county.

2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the

county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his determination.

4. Except as otherwise provided in subsection 6, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination and transmit the documents with the certificate to the secretary of state. A copy of this certificate must be filed in the clerk's office. *When the county clerk transmits the certificate to the secretary of state, the county clerk shall notify the secretary of state of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.*

5. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

6. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the secretary of state the documents containing the signatures of the registered voters.

7. The secretary of state may by regulation establish further procedures for carrying out the provisions of this section.

Sec. 7. NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the secretary of state from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the secretary of state shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the ~~petitioners have~~ *number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient [] plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015*, the petition shall be deemed to qualify as of the date of receipt by the secretary of state of *those certificates* , ~~[showing the petition to have reached 100 percent,]~~ and the secretary of state shall immediately so notify the petitioners and the county clerks.

3. *If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each name as requested, amend the certificate, and transmit the amended certificate to the secretary of state. If the amended*

certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient, the petition shall be deemed to qualify as of the date of receipt by the secretary of state of the amended certificates, and the secretary of state shall immediately so notify the petitioners and the county clerks.

Sec. 8. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more , but less than *the sum of* 100 percent of the number of signatures of registered voters needed to declare the petition sufficient ~~and~~ *plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015*, the secretary of state shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. *If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.*

2. If the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than *the sum of* 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county ~~and~~ *plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015*, the secretary of state may order the county clerk in that county to examine every signature for verification. *If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until he has removed each name as requested pursuant to NRS 295.055 or 306.015.*

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the clerk shall determine from the records of registration what number of registered voters have signed the petition. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition, the clerk may use any file or list of registered voters maintained by his office or facsimiles of voters' signatures. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents of the petition an amended certificate properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the secretary of state. A copy of the amended certificate must be filed in the county clerk's office.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the secretary of state the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the secretary of state as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the state.

7. If the amended certificates received from all county clerks by the secretary of state establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the secretary of state shall also notify the officer with whom the petition is to be filed.

Sec. 9. NRS 293.12795 is hereby amended to read as follows:

293.12795 1. If an appeal is based upon the results of the verification of signatures on a petition performed pursuant to NRS 293.1277 or 293.1279, the secretary of state shall:

(a) If he finds for the appellant, order the county clerk to recertify the petition, including as verified signatures all contested signatures which the secretary of state determines are valid. *If the county clerk has not yet removed each name as requested pursuant to NRS 295.055 or 306.015, the county clerk shall do so before recertifying the petition.*

(b) If he does not find for the appellant, notify the appellant and the county clerk that the petition remains insufficient.

2. If the secretary of state is unable to make a decision on the appeal based upon the documents submitted to him, the secretary of state may order the county clerk to reverify the signatures.

3. The decision of the secretary of state is a final decision for the purposes of judicial review. The decision of the secretary of state may only be appealed in the first judicial district court.”.

Amend the bill as a whole by renumbering sections 17 through 20 as sections 10 through 13.

Amend the bill as a whole by deleting sec. 21 and renumbering sections 22 through 35 as sections 14 through 27.

Amend sec. 23, page 8, line 44, by deleting “[~~mail~~] distribute” and inserting “mail”.

Amend sec. 25, page 9, line 31, by deleting “10th” and inserting “seventh”.

Amend sec. 27, page 10, line 20, after “place,” by inserting:

“including, without limitation, a polling place for early voting.”.

Amend sec. 27, page 10, line 25, by deleting “place” and inserting: “place, including, without limitation, a polling place for early voting.”.

Amend sec. 30, page 12, line 4, by deleting “[~~must~~] may” and inserting “must”.

Amend sec. 30, page 12, line 5, by deleting: “marked as the” and inserting:

“[~~marked as the~~] or”.

Amend sec. 30, page 12, line 19, by deleting “14” and inserting “3”.

Amend sec. 31, pages 12 and 13, by deleting line 48 on page 12 and lines 1 through 5 on page 13 and inserting:

“(a) Arrange the original applications to register to vote ~~in alphabetical order~~ for the entire county ~~and keep them in binders or a suitable file which constitutes~~ in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters’ register.”.

Amend sec. 31, page 13, line 6, by deleting “[~~(b)~~] (c)” and inserting “(b)”.

Amend sec. 32, page 14, line 18, after “vote.” by inserting: “Please retain the duplicate copy or receipt from your application to register to vote.”.

Amend sec. 33, page 15, by deleting lines 15 and 16 and inserting: “application. Each application must include a duplicate copy ~~marked as the~~ or receipt to be retained by the applicant upon completion of the form.”.

Amend sec. 35, page 17, by deleting line 9 and inserting “place.”.

Amend the bill as a whole by deleting sections 36 through 47 and renumbering sec. 48 as sec. 28.

Amend the bill as a whole by deleting sec. 49 and renumbering sections 50 through 83 as sections 29 through 62.

Amend sec. 51, page 22, line 32, by deleting “[~~mail~~] distribute” and inserting “mail”.

Amend sec. 53, page 23, line 19, by deleting “10th” and inserting “seventh”.

Amend sec. 55, page 24, line 8, after “place,” by inserting: “including, without limitation, a polling place for early voting,”.

Amend sec. 55, page 24, line 13, by deleting “place” and inserting: “place, including, without limitation, a polling place for early voting,”.

Amend sec. 58, page 25, by deleting line 38 and inserting “place.”.

Amend sec. 60, page 26, line 13, by deleting: “61 to 65,” and inserting: “40 to 44,”.

Amend sec. 61, page 26, line 22, by deleting “62” and inserting “41”.

Amend sec. 61, page 26, line 27, by deleting “62” and inserting “41”.

Amend sec. 63, page 27, line 29, by deleting: “61 or 62” and inserting: “40 or 41”.

Amend sec. 64, page 27, line 47, by deleting:

“61 to 65,” and inserting:

“40 to 44.”

Amend sec. 64, page 28, line 2, by deleting “63” and inserting “42”.

Amend sec. 66, page 28, by deleting lines 18 through 20 and inserting:

“3. A person who signs a petition may *request that the county clerk* remove his name from it by transmitting his request in writing to the county clerk at any time before the petition is filed with the county clerk.”.

Amend sec. 67, page 28, line 36, by deleting:

“61 to 65,” and inserting:

“40 to 44.”

Amend sec. 67, page 28, line 40, by deleting “twenty-five” and inserting “thirty”.

Amend sec. 68, page 29, by deleting lines 28 through 41 and inserting:
~~“petition. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners’ committee files a notice of intention to amend it with the county clerk within 2 days after receiving the copy of his certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of the certificate. A supplementary petition must comply with the requirements of subsections 5 and 6 of NRS 295.095, and within 5 days after it is filed the county clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of the certificate to the petitioners’ committee by registered or certified mail.~~

~~3.] 2. If a petition {or amended petition} is certified sufficient, or if a”.~~

Amend sec. 68, page 29, line 42, by deleting:

“or amended petition” and inserting:

“~~{or amended petition}~~”.

Amend sec. 68, page 29, line 43, by deleting “amend or” and inserting “~~{amend or}~~”.

Amend sec. 68, page 29, line 44, by deleting “4” and inserting “[4] 3”.

Amend sec. 68, page 29, by deleting lines 47 and 48 and inserting:

“~~[4.] 3. If a {petition has been certified insufficient and the petitioners’ committee does not file notice of intention to amend it or if an amended}~~”.

Amend sec. 68, page 30, line 6, by deleting “5.” and inserting “[5.] 4.”.

Amend sec. 70, page 30, line 44, by deleting:

“61 to 65,” and inserting:

“40 to 44.”

Amend sec. 72, page 32, line 13, by deleting:

“61 to 65,” and inserting:

“40 to 44.”

Amend sec. 72, page 32, line 17, by deleting “twenty-five” and inserting “thirty”.

Amend sec. 73, page 33, by deleting lines 13 through 26 and inserting:
~~“petition. A petition certified insufficient for lack of the required number of~~

~~valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city clerk within 2 days after receiving the copy of his certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of the certificate. A supplementary petition must comply with the requirements of subsections 5 and 6 of NRS 295.205, and within 5 days after it is filed the city clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of the certificate to the petitioners' committee by registered or certified mail.~~

~~4.] 2. If a petition {or amended petition} is certified sufficient, or if a".~~

Amend sec. 73, page 33, line 27, by deleting: "or amended petition" and inserting: "{or amended petition}".

Amend sec. 73, page 33, line 28, by deleting "amend or" and inserting "{amend or}".

Amend sec. 73, page 33, line 29, by deleting "4" and inserting "3".

Amend sec. 73, page 33, by deleting lines 32 and 33 and inserting:

~~"[5.] 3. If a {petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended}".~~

Amend sec. 73, page 33, line 40, by deleting "5." and inserting "4.".

Amend sec. 75, page 34, by deleting lines 39 through 42 and inserting:

"5. Any person who signs a petition to recall any public officer may request that the county clerk remove his name from the petition by submitting a request in writing to the county clerk at any time before the petition is submitted for the verification of the signatures thereon pursuant to NRS 306.035."

Amend sec. 76, page 35, by deleting lines 7 through 12 and inserting:

"2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the secretary of state to strike his name from the petition. If the person demonstrates good cause therefor ~~and the number of such requests received by the secretary of state could affect the sufficiency of the petition,~~ the secretary of state shall strike ~~his~~ the name of the person from the petition."

Amend the bill as a whole by deleting sections 84 and 85 and renumbering sections 86 through 90 as sections 63 through 67.

Amend the title of the bill to read as follows:

"AN ACT relating to elections; providing for a person without a street address to register to vote; providing that signatures must be removed from certain petitions, upon request, only if the removal of such signatures could affect the sufficiency of the petitions; clarifying who may sign a petition to fill a vacancy in a nomination for a nonpartisan office; allowing certain persons who change designations of political party affiliation to be independent or minor party candidates for partisan office; revising the

requirements concerning certain requests for absent ballots and voting by persons who request absent ballots; revising the requirements for handling and maintaining election materials after an election; revising the requirements concerning the form, contents and filing of certain applications to register to vote; prohibiting the public disclosure of certain information concerning voters; providing for the verification of signatures on county and municipal petitions; revising the deadlines for submitting certain county and municipal petitions and removing the option of submitting supplements to such petitions; requiring notice to be given upon an appointment to fill a vacancy in an elected office; repealing the requirement that checklists of voters be created for elections; repealing the restriction on the length of time a voter may remain in a voting booth; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 639.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 384.

Amend section 1, pages 1 and 2, by deleting line 17 on page 1 and lines 1 through 6 on page 2, and inserting: “*farm equipment that contains in the fuel tank of the farm equipment special fuel which has been dyed. As used in this subsection:*

(a) “*Farm equipment*” means any self-propelled machinery or motor vehicle that is designed solely for tilling soil or for cultivating, harvesting or transporting crops or other agricultural products from a field or other area owned or leased by the operator of the farm equipment and in which the crops or agricultural products are grown, to a field, yard, silo, cellar, shed or other facility which is:

(1) Owned or leased by the operator of the farm equipment;

(2) Used to store or process the crops or agricultural products; and

(3) Located not more than 20 miles from the field or area in which the crops or agricultural products are grown.

The term includes a tractor, baler or swather or any implement used to retrieve hay.

(b) “*Highway*” does not include a controlled-access highway as defined in NRS 484.041.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxes; authorizing a person to operate or maintain on certain highways farm equipment using dyed special fuel under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes person to operate or maintain on certain highways farm equipment using dyed special fuel under certain circumstances. (BDR 32-1331)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 644.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 383.

Amend section 1, page 1, by deleting line 14 and inserting:

“is used to transport radioactive material.”.

Amend sec. 2, page 2, by deleting line 20 and inserting:

“used to transport radioactive material.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Assembly Bill No. 620 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Dini.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Lee moved that the vote whereby Assembly Bill No. 442 was refused passage be reconsidered.

Remarks by Assemblyman Lee.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 171.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 247 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a county recorder imposes an additional fee pursuant to subsection 2 of NRS 247.305, the proceeds collected from such a fee must be accounted for separately in the county general fund. Any interest earned on money in the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.*

2. *The money in the account must be used only to acquire technology for or improve the technology used in the office of the county recorder, including, without limitation, costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.*

3. *The county recorder shall submit an annual report to the board of county commissioners of the county which contains:*

(a) *An estimate of the proceeds that the county recorder will collect from the additional fee imposed pursuant to subsection 2 of NRS 247.305 in the following fiscal year; and*

(b) *A proposal for expenditures of the proceeds from the additional fee imposed pursuant to subsection 2 of NRS 247.305 for the costs related to the technology required for the office of the county recorder for the following fiscal year.”.*

Amend section 1, page 1, by deleting line 13 and inserting:

“2. Except as otherwise provided in this subsection, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection for credit to the account established pursuant to section 1 of this act.

3. Except as otherwise provided in subsection ~~{3,}~~ 4, a county recorder”.

Amend section 1, page 2, line 6, by deleting “3.” and inserting “~~{3,}~~ 4.”.

Amend section 1, page 2, line 10, by deleting “4.” and inserting “~~{4,}~~ 5.”.

Amend section 1, page 2, by deleting line 13 and inserting:

“~~{5,}~~ 6. Except as otherwise provided in subsection 2 or by an ordinance adopted pursuant to”.

Amend sec. 3, page 2, line 34, by deleting “\$15” and inserting “~~{15}~~ \$17”.

Amend sec. 3, page 2, line 44, by deleting “2” and inserting “~~{2}~~ 3”.

Amend sec. 3, page 2, line 47, by deleting "15" and inserting "~~{15}~~ 26".

Amend sec. 3, page 2, line 49, by deleting "12" and inserting "~~{12}~~ 20".

Amend sec. 3, page 3, line 2, by deleting "10" and inserting "~~{10}~~ 17".

Amend sec. 3, page 3, line 4, by deleting "9" and inserting "~~{9}~~ 15".

Amend sec. 3, page 3, line 6, by deleting "1" and inserting "~~{1}~~ 2".

Amend sec. 3, page 3, line 12, by deleting "1" and inserting "~~{1}~~ 2".

Amend sec. 3, page 3, line 26, by deleting "3" and inserting "~~{3}~~ 5".

Amend sec. 3, page 3, line 29, by deleting "12" and inserting "~~{12}~~ 20".

Amend sec. 3, page 3, line 31, by deleting "15" and inserting "~~{15}~~ 21".

Amend sec. 3, page 3, line 34, by deleting "1" and inserting "~~{1}~~ 2".

Amend sec. 3, page 3, line 35, by deleting "1" and inserting "~~{1}~~ 2".

Amend sec. 3, page 3, line 36, by deleting "\$1" and inserting "~~{1}~~ \$2".

Amend sec. 4, page 4, line 29, by deleting "14" and inserting "15".

Amend the bill as a whole by deleting sec. 6 and adding:

"Sec. 6. (Deleted by amendment)."

Amend sec. 8, page 7, line 31, by deleting "~~{56}~~ \$65" and inserting "\$56".

Amend sec. 8, page 7, line 34, by deleting "~~{42}~~ 49" and inserting "42".

Amend sec. 8, page 7, line 39, by deleting "~~{72}~~ 80" and inserting "72".

Amend sec. 8, page 7, line 43, by deleting "~~{44}~~ 52" and inserting "44".

Amend sec. 8, page 7, line 47, by deleting "~~{44}~~ 52" and inserting "44".

Amend sec. 8, page 8, line 3, by deleting "~~{44}~~ 52" and inserting "44".

Amend sec. 8, page 8, line 4, by deleting "~~{24}~~ 28" and inserting "24".

Amend sec. 8, page 8, line 15, by deleting "~~{6}~~ 7" and inserting "6".

Amend sec. 8, page 8, line 19, by deleting "15" and inserting "~~{15}~~ 20".

Amend the bill as a whole by adding new sections designated sections 9.3 and 9.7, following sec. 9, to read as follows:

"Sec. 9.3. NRS 122.060 is hereby amended to read as follows:

122.060 1. The clerk is entitled to receive as his fee for issuing the license the sum of \$21.

2. The clerk shall also at the time of issuing the license collect the sum of \$10 and pay it over to the county recorder as his fee for recording the originally signed copy of the certificate of marriage described in NRS 122.120.

3. The clerk shall also at the time of issuing the license collect the additional sum of \$4 for the State of Nevada. The fees collected for the state must be paid over to the county treasurer by the county clerk on or before the 5th day of each month for the preceding calendar month, and must be placed to the credit of the state general fund. The county treasurer shall remit quarterly all such fees deposited by the clerk to the state treasurer for credit to the state general fund.

4. The clerk shall also at the time of issuing the license collect the additional sum of ~~{15}~~ \$20 for the account for aid for victims of domestic violence in the state general fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the 5th day

of each month for the preceding calendar month, and must be placed to the credit of that account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the state treasurer for credit to that account.

Sec. 9.7. NRS 122.181 is hereby amended to read as follows:

122.181 1. The commissioner of civil marriages or his deputy commissioner of civil marriages is entitled to receive as his fee for solemnizing a marriage ~~[\$35. All fees received for solemnizing marriages by the commissioner or his deputy]~~ \$45. The fee must be deposited in the county general fund.

2. *The commissioner of civil marriages or his deputy commissioner of civil marriages shall also at the time of solemnizing a marriage collect the additional sum of \$5 for the account for aid for victims of domestic violence in the state general fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be credited to that account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the state treasurer for credit to that account.*”.

Amend the bill as a whole by adding a new section designated sec. 16, following sec. 15, to read as follows:

“Sec. 16. 1. This section and sections 9 and 9.7 of this act become effective on July 1, 2001.

2. Sections 1 to 8, inclusive, and 10 to 15, inclusive, of this act become effective on October 1, 2001.

3. Section 9 of this act expires by limitation on December 31, 2002.

4. Section 9.3 of this act becomes effective on January 1, 2003.”.

Amend the title of the bill to read as follows:

“AN ACT relating to local governments; authorizing a county recorder to charge and collect an additional fee to pay for the acquisition and improvement of technology used in the office of the county recorder; increasing the amount of certain fees charged and collected by certain officials of local governments; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding fees charged and collected by certain officials of local governments. (BDR 20-419)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 133.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 577.

Amend section 1, page 1, line 2, by deleting: “2 to 7, inclusive,” and inserting: “2, 3 and 4”.

Amend the bill as a whole by deleting sections 2 through 5, renumbering sections 6 through 8 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. *Except as otherwise provided in NRS 40.670:*

1. *Before a claimant may commence an action against a contractor for damages arising from a constructional defect, the claimant must give written notice by certified mail, return receipt requested, to the contractor, at the contractor's last address listed in the records of the state contractors' board, or at the contractor's last known address if his address is not listed in the records of the state contractors' board, specifying in reasonable detail the defects or any damages or injuries to each residence or appurtenance that is the subject of the claim. The notice must describe in reasonable detail the cause of the defects if the cause is known, the nature and extent that is known of the damage or injury resulting from the defects and the location of each defect within each residence or appurtenance to the extent known. An expert opinion concerning the cause of the defects and the nature and extent of the damage or injury resulting from the defects based on a representative sample of the components of the residences and appurtenances involved in the action satisfies the requirements of this subsection.*

2. *Except as otherwise provided in NRS 40.672, a contractor who receives notice of a constructional defect pursuant to subsection 1 may make the repairs necessary to remedy the defects and repair any damage or injury to the residence or appurtenance described in the notice. The contractor shall complete any such repairs within a reasonable time, but in any event:*

(a) If the constructional defect is not part of a complex matter, not later than 45 days after receiving the notice; or

(b) If the constructional defect is part of a complex matter, not later than 90 days after receiving the notice, unless the claimant and the contractor agree in writing to extend the time for completing the repairs in which case the repairs must be completed not later than the time set forth in the agreement.

3. *In making repairs pursuant to subsection 2, the contractor shall:*

(a) Make the repairs at reasonable times that are agreed to in advance by the claimant, or by the owner of the residence or appurtenance if the claimant is a representative of a homeowner's association;

(b) Ensure that all of the work to make the repairs is completed by contractors and subcontractors who are properly licensed, bonded and insured;

(c) Take any action necessary to prevent a mechanic's lien from being obtained on the property of the claimant on which the repairs are being made, to remove such a mechanic's lien if one is obtained, and to indemnify

the claimant against any expenses incurred by the claimant concerning such a mechanic's lien; and

(d) Provide to the claimant a written report of each repair made, the method used to make the repair and the parts replaced in making such repairs.

4. The claimant shall allow the contractor a reasonable opportunity to make repairs pursuant to subsection 2.

5. If the claimant is not satisfied with the repairs made pursuant to subsection 2 or NRS 40.672 or the contractor does not make the repairs within the time set forth in subsection 2 or within the time agreed to in writing by the claimant and the contractor, the claimant may commence an action governed by NRS 40.600 to 40.695, inclusive, against the contractor for a constructional defect or any damages or injuries that were specified in the notice provided to the contractor pursuant to subsection 1.

6. If the contractor does not take action to make repairs or attempt to make repairs described in subsection 2 within the time set forth in subsection 2 or within the time agreed to in writing by the claimant and the contractor, the contractor waives any other right that is provided by contract, statute or warranty to compel the repair of a constructional defect described in the notice.

7. Nothing in this section affects the ability of claimants to maintain a class action for constructional defects against a contractor.”.

Amend sec. 6, page 3, by deleting lines 21 through 44 and inserting: “*action for the professional negligence of a design professional, including, without limitation, an action filed pursuant to NRS 40.600 to 40.695, inclusive, and sections 2, 3 and 4 of this act, concurrently with the service of the first pleading in an action, the attorney for the complainant shall file an affidavit with the court stating that the attorney:*

(a) Has reviewed the facts of the case;

(b) Has consulted with a design professional who practices in this state or who teaches at an accredited college or university in this state in a discipline relevant to the action and naming the design professional consulted;

(c) Reasonably believes the design professional who was consulted is knowledgeable in the relevant discipline involved in the action; and

(d) Has concluded on the basis of his review and the consultation with the design professional that the action has a reasonable basis in law and fact.”.

Amend sec. 6, page 4, line 7, by deleting: “*paragraph (a) of*”.

Amend sec. 6, page 4, line 8, by deleting “*The*” and inserting: “*Except as otherwise provided in subsection 4, the*”.

Amend sec. 6, page 4, by deleting lines 23 and 24 and inserting:

“4. In an action brought by a claimant in which an affidavit is required to be filed pursuant to subsection 1:

(a) The report required pursuant to subsection 3 is not required to include the information set forth in paragraphs (c) and (d) of subsection 3 if the

claimant or his attorney files an affidavit, at the time that the affidavit is filed pursuant to subsection 1, stating that he made reasonable efforts to obtain the nonprivileged documents described in paragraph (c) of subsection 3, but was unable to obtain such documents before filing the action;

(b) The claimant or his attorney shall amend the report required pursuant to subsection 3 to include any documents and information required pursuant to paragraph (c) or (d) of subsection 3 as soon as reasonably practicable after receiving the document or information; and

(c) The court may dismiss the action if the claimant and his attorney fail to comply with the requirements of paragraph (b).

5. A complainant whose attorney files an affidavit pursuant to subsection 1 who does not prevail in the action is liable”.

Amend sec. 6, page 4, line 30, by deleting “5.” and inserting “6.”.

Amend sec. 6, page 4, by deleting lines 32 through 34, and inserting:

“7. As used in this section, “design professional” means a person who holds a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS, or a person who is engaged in the practice of professional engineering, land surveying, architecture or landscape architecture.”.

Amend sec. 7, page 4, lines 40, 41, 44 and 46, by deleting “6” and inserting “3”.

Amend sec. 8, page 5, by deleting lines 2 through 5 and inserting:

“40.600 As used in NRS 40.600 to 40.695, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 40.605 to 40.630, inclusive, have the meanings ascribed to them in those sections.”.

Amend the bill as a whole by deleting sections 9 through 16, renumbering sec. 17 as sec. 13 and adding new sections designated sections 6 to 12, following sec. 8, to read as follows:

“Sec. 6. NRS 40.645 is hereby amended to read as follows:

40.645 Except as otherwise provided in this section and NRS 40.670:

1. For a claim that is not a complex matter, if a contractor does not take action to make repairs or attempt to make repairs pursuant to subsection 2 of section 2 of this act within the time set forth in subsection 2 of section 2 of this act or within the time agreed to in writing by the claimant and the contractor, at least 60 days before a claimant commences an action against a contractor for damages arising from a constructional defect, the claimant must give written notice by certified mail, return receipt requested, to the contractor, at the contractor’s last known address, specifying in reasonable detail the defects or any damages or injuries to each residence or appurtenance that is the subject of the claim. The notice must describe in reasonable detail the cause of the defects if the cause is known, the nature and extent that is known of the damage or injury resulting from the defects and the location of each defect within each residence or appurtenance to the extent known. An expert opinion concerning the cause of the defects and the

nature and extent of the damage or injury resulting from the defects based on a representative sample of the components of the residences and appurtenances involved in the action satisfies the requirements of this section. During the 45-day period after the contractor receives the notice, on his written request, the contractor is entitled to inspect the property that is the subject of the claim to determine the nature and cause of the defect, damage or injury and the nature and extent of repairs necessary to remedy the defect. The contractor shall, before making the inspection, provide reasonable notice of the inspection and shall make the inspection at a reasonable time. The contractor may take reasonable steps to establish the existence of the defect.

2. If a residence or appurtenance that is the subject of the claim is covered by a homeowner's warranty that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive, a claimant shall diligently pursue a claim under the contract.

3. Within 60 days after the contractor receives ~~{the notice,}~~ *notice pursuant to subsection 1*, the contractor shall make a written response to the claimant. The response:

(a) Must be served to the claimant by certified mail, return receipt requested, at the claimant's last known address.

(b) Must respond to each constructional defect set forth in the claimant's notice, and describe in reasonable detail the cause of the defect, if known, the nature and extent of the damage or injury resulting from the defect, and, unless the response is limited to a proposal for monetary compensation, the method, adequacy and estimated cost of any proposed repair.

(c) May include ~~{~~:

~~{(1) A} a~~ proposal for monetary compensation, which may include a contribution from a subcontractor.

~~{(2) If the contractor or his subcontractor is licensed to make the repairs, an agreement by the contractor or subcontractor to make the repairs.~~

~~{(3) An agreement by the contractor to cause the repairs to be made, at the contractor's expense, by another contractor who is licensed to make the repairs, bonded and insured.~~

~~The repairs must be made within 45 days after the contractor receives written notice of acceptance of the response, unless completion is delayed by the claimant or by other events beyond the control of the contractor, or timely completion of the repairs is not reasonably possible. The claimant and the contractor may agree in writing to extend the periods prescribed by this section.~~

4. Not later than 15 days before the mediation required pursuant to NRS 40.680 and upon providing 15 days' notice, each party shall provide the other party, or shall make a reasonable effort to assist the other party to obtain, all relevant reports, photos, correspondence, plans, specifications, warranties, contracts, subcontracts, work orders for repair, videotapes, technical reports, soil and other engineering reports and other documents or materials relating to the claim that are not privileged.

5. If the claimant is a representative of a homeowner's association, the association shall submit any response made by the contractor to each member of the association.

6. As used in this section, "subcontractor" means a contractor who performs work on behalf of another contractor in the construction of a residence or appurtenance.

Sec. 7. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response made pursuant to NRS 40.645 or 40.682 or does not permit the contractor or independent contractor a reasonable opportunity to repair the defect pursuant to ~~an accepted offer of settlement~~ *section 2 of this act* and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

Any sums paid under a homeowner's warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor fails to:

(a) Make an offer of settlement;

(b) Make a good faith response to the claim asserting no liability;

(c) Complete, in a good and workmanlike manner, the repairs ~~specified in an accepted offer;~~ *he makes pursuant to section 2 of this act;*

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680 or subsection 4 of NRS 40.682; or

(e) Participate in mediation,

the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, do not apply and the claimant may commence an action without satisfying any other requirement of NRS 40.600 to 40.695, inclusive.

3. If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.

Sec. 8. NRS 40.667 is hereby amended to read as follows:

40.667 1. Except as otherwise provided in subsection 2, a written waiver or settlement agreement executed by a claimant after a contractor has corrected or otherwise repaired a constructional defect does not bar a claim for the constructional defect if it is determined that the contractor failed to correct or repair the defect properly.

2. The provisions of subsection 1 do not apply to any written waiver or settlement agreement described in subsection 1, unless:

(a) The claimant has obtained the opinion of an expert concerning the constructional defect;

(b) The claimant has provided the contractor with a written notice of the defect pursuant to NRS 40.645 ~~for 40.682~~ , 40.682 or section 2 of this act and a copy of the expert's opinion; and

(c) The claimant and the contractor have complied with the requirements for inspection and repair as provided in NRS 40.600 to 40.695, inclusive.

3. If a claimant does not prevail in any action which is not barred pursuant to this section, the court may:

(a) Deny the claimant's attorney's fees, fees for an expert witness or costs; and

(b) Award attorney's fees and costs to the contractor.

Sec. 9. NRS 40.682 is hereby amended to read as follows:

40.682 Except as otherwise provided in this section and NRS 40.670:

1. Notwithstanding the provisions of subsection 1 of NRS 40.680, a claimant may commence an action in district court in a complex matter. If the claimant commences an action in district court he shall:

(a) File and serve the summons and complaint as required by law; and

(b) ~~At~~ *If a contractor does not take action to make repairs or attempt to make repairs pursuant to subsection 2 of section 2 of this act within the time set forth in subsection 2 of section 2 of this act or within the time agreed to in writing by the claimant and the contractor, at the same time and in the same manner as the claimant serves the summons and complaint upon the contractor, serve upon the contractor a written notice specifying in reasonable detail, to the extent known, the defects and any damages or injuries to each residence or appurtenance that is the subject of the claim. The notice must describe in reasonable detail each defect, the specific location of each defect, and the nature and extent that is known of the damage or injury resulting from each defect. If an expert opinion has been rendered concerning the existence or extent of the defects, a written copy of the opinion must accompany the notice. An expert opinion that specifies each defect to the extent known, the specific location of each defect to the extent known, and the nature and extent that is known of the damage or injury resulting from each defect, based on a valid and reliable representative sample of the residences and appurtenances involved in the action, satisfies the requirements of this section.*

2. The contractor shall file and serve an answer to the complaint as required by law.

3. Not later than 30 days after the date of service of the answer to the complaint, the contractor and claimant shall meet to establish a schedule for:

(a) The exchange of or reasonable access for the other party to all relevant reports, photos, correspondence, plans, specifications, warranties, contracts, subcontracts, work orders for repair, videotapes, technical reports, soil and other engineering reports and other documents or materials relating to the claim that are not privileged;

(b) The inspection of the residence or appurtenance that is the subject of the claim to evaluate the defects set forth in the notice served pursuant to subsection 1; and

(c) The conduct of any tests that are reasonably necessary to determine the nature and cause of a defect or any damage or injury, and the nature and extent of repairs necessary to remedy a defect or any damage or injury. The party conducting the test shall provide reasonable notice of the test to all other parties and conduct the test at a reasonable time.

4. At the meeting held pursuant to subsection 3, the claimant and contractor shall:

(a) Establish a schedule for the addition of any additional parties to the complaint or to file any third-party complaint against an additional party who may be responsible for all or a portion of the defects set forth in the notice served pursuant to subsection 1;

(b) Unless the claimant and contractor agree otherwise in writing, select a mediator and proceed with mediation as provided in subsections 2 to 6, inclusive, of NRS 40.680; and

(c) If the claimant and contractor agree, select a special master and jointly petition the court for his appointment pursuant to subsection 7.

5. Each party added to the complaint or against whom a third-party complaint is filed pursuant to subsection 4 shall file and serve an answer as required by law.

6. If the claimant or contractor adds a party to the complaint or files a third-party complaint, then not later than 60 days after the date determined pursuant to paragraph (a) of subsection 4, the contractor, claimant and each party added to the complaint or against whom a third-party complaint is filed shall meet to establish a schedule for the activities set forth in paragraphs (a), (b) and (c) of subsection 3.

7. If a special master has not been appointed, the contractor, claimant or a party added to the complaint or against whom a third-party complaint is filed may petition the court for the appointment of a special master at any time after the meeting held pursuant to subsection 3. The special master may:

(a) Take any action set forth in subsection 4 of NRS 40.680;

(b) Exercise any power set forth in Rule 53 of the Nevada Rules of Civil Procedure; and

(c) Subject to the provisions of NRS 40.680, if the parties fail to establish a schedule or determine a date as required in subsection 3, 4 or 6, establish the schedule or determine the date.

8. Unless the mediation required pursuant to paragraph (b) of subsection 4 is completed or the contractor and claimant have agreed in writing not to mediate the claim pursuant to paragraph (b) of subsection 4, a party shall not propound interrogatories or requests for admission, take a deposition or file a motion that is dispositive of the action except:

(a) Upon agreement of the parties; or

(b) With the prior approval of the court or special master.

9. If a residence or appurtenance that is the subject of the claim is covered by a homeowner's warranty that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive, a claimant shall diligently pursue a claim under the contract.

10. Unless the parties agree otherwise, not less than 60 days before the date of the mediation pursuant to paragraph (b) of subsection 4 is convened, the contractor shall make a written response to the claimant that meets the requirements set forth in subsection 3 of NRS 40.645.

11. If the claimant is a representative of a homeowner's association, the association shall submit any response made by the contractor to each member of the association in writing not more than 30 days after the date the claimant receives the response.

12. The claimant shall respond to the written response of the contractor within 45 days after the response of the contractor is mailed to the claimant.

Sec. 10. NRS 40.688 is hereby amended to read as follows:

40.688 1. If a claimant attempts to sell a residence that is or has been the subject of a claim governed by NRS 40.600 to 40.695, inclusive, *or the subject of a notice given pursuant to section 2 of this act*, he shall disclose, in writing, to any prospective purchaser of the residence, not less than 30 days before the close of escrow for the sale of the residence or, if escrow is to close less than 30 days after the execution of the sales agreement, then immediately upon the execution of the sales agreement or, if a claim is initiated *or a notice is given* less than 30 days before the close of escrow, within 24 hours after giving written notice to the contractor pursuant to *section 2 of this act*, subsection 1 of NRS 40.645 or subsection 1 of NRS 40.682:

(a) All notices given by the claimant to the contractor pursuant to NRS 40.600 to 40.695, inclusive, that are related to the residence;

(b) All opinions the claimant has obtained from experts regarding a constructional defect that is or has been the subject of the claim;

(c) The terms of any settlement, order or judgment relating to the claim; and

(d) A detailed report of all repairs made to the residence by or on behalf of the claimant as a result of a constructional defect that is or has been the subject of the claim.

2. Before taking any action on a claim pursuant to NRS 40.600 to 40.695, inclusive, *or giving notice pursuant to section 2 of this act*, the attorney for a claimant shall notify the claimant in writing of the provisions of this section.

Sec. 11. NRS 40.692 is hereby amended to read as follows:

40.692 If, after complying with the procedural requirements of *section 2 of this act* and NRS 40.645 and 40.680, or NRS 40.682, a claimant proceeds with an action for damages arising from a constructional defect:

1. The claimant and each contractor who is named in the original complaint when the action is commenced are not required, while the action is

pending, to comply with the requirements of *section 2 of this act*, NRS 40.645 or 40.680, or NRS 40.682, for any constructional defect that the claimant includes in an amended complaint, if the constructional defect:

- (a) Is attributable, in whole or in part, to such a contractor;
- (b) Is located on the same property described in the original complaint; and
- (c) Was not discovered before the action was commenced provided that a good faith effort had been undertaken by the claimant.

2. The claimant is not required to give written notice of a defect pursuant to subsection 1 of NRS 40.645 or subsection 1 of NRS 40.682 to any person who is joined to or intervenes in the action as a party after it is commenced. If such a person becomes a party to the action:

(a) For the purposes of subsection 1 of NRS 40.645 or subsection 1 of NRS 40.682, the person shall be deemed to have been given notice of the defect by the claimant on the date on which the person becomes a party to the action; and

(b) The provisions of NRS 40.600 to 40.695, inclusive, apply to the person after that date.

Sec. 12. NRS 40.695 is hereby amended to read as follows:

40.695 1. Except as otherwise provided in subsection 2, statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, are tolled from the time notice of the claim is given ~~to~~ *or notice of a defect, damage or injury is given pursuant to section 2 of this act*, until 30 days after mediation is concluded or waived in writing pursuant to NRS 40.680 or subsection 4 of NRS 40.682.

2. Tolling under this section applies:

- (a) Only to a claim that is not a complex matter.
- (b) To a third party regardless of whether the party is required to appear in the proceeding.”.

Amend sec. 17, page 13, line 39, by deleting:

“2 to 7, inclusive,” and inserting:

“2, 3 and 4 of this act”.

Amend the title of the bill to read as follows:

“AN ACT relating to real property; requiring a claimant to provide notice concerning constructional defects to a contractor and allow the contractor to make repairs before commencing an action against the contractor; requiring an affidavit in support of an action for professional negligence against a design professional; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 133 be placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 289.

Bill read second time.

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

Amendment No. 394.

Amend section 1, page 1, line 2, by deleting: “includes ~~the~~ only:” and inserting “includes:”.

Amend section 1, page 2, line 8, by deleting “or”.

Amend section 1, page 2, line 11, by deleting “offenders.” and inserting: “offenders ~~the~~; and

10. *The state fire marshal, his assistant and his deputies.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to public employees; including the state fire marshal, his assistant and his deputies within the definition of a “police officer” for various purposes relating to industrial injuries, occupational diseases and programs for public employees; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Expands definition of “police officer” for various purposes relating to industrial injuries, occupational diseases and programs for public employees. (BDR 53-393)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 338.

Bill read second time.

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

Amendment No. 514.

Amend the bill as a whole by deleting sections 1 through 3 and adding:

“Secs. 1-3. (Deleted by amendment.)”.

Amend sec. 6, page 4, line 32, by deleting “*alternate*” and inserting “*alternative*”.

Amend sec. 6, page 5, line 3, by deleting “*alternate*” and inserting “*alternative*”.

Amend sec. 7, page 5, line 35, by deleting “*specialist*,” and inserting: “*specialist for treatment*,”.

Amend sec. 7, page 6, line 6, by deleting “*specialist*,” and inserting: “*specialist for treatment*,”.

Amend sec. 7, page 6, lines 13 and 14, by deleting: “*may, without obtaining prior approval from the insurer*,” and inserting “*may*”.

Amend sec. 7, page 6, line 35, by deleting “*alternate*” and inserting “*alternative*”.

Amend sec. 13, page 11, by deleting line 17 and inserting: “accident to the claimant ~~[-]~~ or the date the occupational disease is contracted by the claimant. If a claim is reopened”.

Amend sec. 14, page 12, lines 22 and 23, by deleting: “*must*:

(a) *Specify*” and inserting “*must specify*”.

Amend sec. 14, page 12, line 24, by deleting “~~[(a)]~~ (1)” and inserting “(a)”.

Amend sec. 14, page 12, line 27, by deleting “~~[(b)]~~ (2)” and inserting “(b)”.

Amend sec 14, page 12, line 28, by deleting “~~[(1)]~~ (I)” and inserting “(1)”.

Amend sec. 14, page 12, line 31, by deleting “~~[(2)]~~ (II)” and inserting “(2)”.

Amend sec. 14, page 12, by deleting lines 34 through 47.

Amend sec. 15, page 13, line 29, by deleting: “*When an insurer contacts the*” and inserting: “*If an insurer contacts the treating*”.

Amend sec. 15, page 13, line 32, before “*physician*” by inserting “*treating*”.

Amend sec. 15, pages 13 and 14, by deleting lines 48 and 49 on page 13 and lines 1 through 4 on page 14, and inserting:

“is of a type that might have caused such a loss. No factors other than the degree of physical or psychological impairment of the whole man may be considered in calculating the entitlement to compensation for a permanent partial disability.”.

Amend sec. 15, page 14, line 5, before “6.” by inserting “~~[-]~~”.

Amend the bill as a whole by deleting sections 20 through 26.

Amend the title of the bill to read as follows:

“AN ACT relating to workers’ compensation; requiring an insurer to reimburse an injured employee for medical expenses paid by the employee under certain circumstances; requiring insurers to provide certain types of notifications concerning an injured employee’s right to choose physicians or chiropractors; requiring the administrator of the division of industrial relations of the department of business and industry to design a form notifying injured employees of their right to choose an alternative physician or chiropractor; allowing injured employees to choose under certain circumstances physicians or chiropractors who are not under contract with the managed care organization of the insurer; allowing an injured employee to choose any qualified physician or chiropractor to render a second determination of his percentage of disability; revising certain provisions governing eligibility for compensation for reopening a claim; revising the provisions governing offers of temporary, light-duty employment; revising the provisions governing the determination of a permanent partial disability;

revising provisions governing eligibility for and length, goals and amounts of vocational rehabilitation services; and providing other matters properly relating thereto.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 351 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Lee moved that Assembly Bill No. 442 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Lee.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 301.

Amend sec. 8, page 3, by deleting lines 11 through 14.

Amend sec. 12, pages 4 and 5, by deleting lines 45 through 49 on page 4 and lines 1 through 8 on page 5, and inserting: “*served with a copy of the order and the officer is at the workplace of the employer, the officer shall serve the person with a copy of the order if a copy is available.*”

3. *A law enforcement officer who serves a person with a copy of an order pursuant to subsection 2 shall note the date and time of such service on the copy of the order that was issued to the employer.”.*

Amend sec. 13, page 5, by deleting lines 9 through 17 and inserting:

“Sec. 13. 1. *An employer or an authorized agent of an employer may register an order for protection against harassment in the workplace issued by the court of another state by presenting a certified copy of the order”.*

Amend sec. 13, page 5, by deleting lines 20 through 30.

Amend sec. 13, page 5, line 31, by deleting “4.” and inserting “2.”.

Amend sec. 13, page 5, line 34, by deleting “5.” and inserting “3.”.

Amend sec. 13, page 5, by deleting lines 36 through 39.

Amend sec. 14, page 5, by deleting lines 40 through 45 and inserting:

“Sec. 14. *A court, law enforcement officer or any other person who enforces”.*

Amend the bill as a whole by deleting sec. 15 and adding:

“Sec. 15. (Deleted by amendment.)”.

Amend sec. 18, page 6, line 29, by deleting “and”.

Amend sec. 18, page 6, line 32, by deleting “labor.” and inserting: “labor;
or

3. *Prohibit a person from engaging in any activity which is part of a labor dispute.*”.

Amend the bill as a whole by deleting sec. 23 and renumbering sec. 24 as sec. 23.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 358.

Amend the bill as a whole by deleting sections 4 and 5 and inserting:

“Secs. 4 and 5. (Deleted by amendment.)”.

Amend sec. 11, page 6, by deleting line 9 and inserting:

“2. Section 7 of this act becomes effective on July 1, 2001.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, Improving educational results for pupils with disabilities is an essential element of the goal of this state to ensure equality of opportunity, full participation, independent living and economic self-sufficiency for persons with disabilities; and

WHEREAS, It is important for the school districts in this state to recognize the practice commonly referred to as “mainstreaming,” which ensures that pupils with disabilities receive appropriate educational services in a manner that allows those pupils to participate in regular school programs and the general curriculum to the maximum extent possible; and

WHEREAS, If a disproportionate number of pupils with disabilities are assigned to a regular education classroom, it may place an undue burden upon the regular education teacher and may impede the learning environment to such an extent that the beneficial effects of mainstreaming are diminished; and

WHEREAS, The boards of trustees of the school districts in this state should adopt policies or regulations providing that the total number of pupils with disabilities that may be assigned to a regular education classroom with pupils who do not have disabilities must not exceed, to the extent practicable, 30 percent of the total number of pupils in the classroom; now, therefore,”.

Amend the title of the bill, second and third lines, by deleting: “prescribing a maximum percentage of pupils with disabilities in a regular education classroom;”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblymen Williams and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 501.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 430.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sections 6 through 10 as sections 2 through 6.

Amend sec. 6, page 5, lines 8 and 19, by deleting “400,000” and inserting “100,000”.

Amend sec. 7, page 5, lines 28, 33 and 36, by deleting “6” and inserting “2”.

Amend sec. 8, page 6, line 21, by deleting “6” and inserting “2”.

Amend sec. 9, page 6, line 48, by deleting “6” and inserting “2”.

Amend the bill as a whole by adding new sections designated sections 7 and 8, following sec. 10, to read as follows:

“Sec. 7. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 4, the department shall certify monthly to the state board of examiners the amount of the basic and supplemental governmental services taxes collected for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045 and 371.047.

3. The distribution of the basic governmental services tax within a county must be made to local governments, special districts and enterprise districts pursuant to the provisions of NRS 360.680 and 360.690. The distribution of the basic governmental services tax must be made to the county school district within the county before the distribution of the basic governmental services tax pursuant to the provisions of NRS 360.680 and 360.690 and in the same ratio as all property taxes were levied in the county in the previous fiscal year, but the State of Nevada is not entitled to share in that distribution. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district’s debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1,

1978, but if , *in any fiscal year*, the *sum of the rate* attributable to a district's debt service in ~~any~~ *that fiscal year and any rate levied for capital projects pursuant to NRS 387.3285 in that fiscal year* is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

5. The department shall make distributions of the basic governmental services tax directly to county school districts.

6. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 8. 1. The amendatory provisions of section 7 of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a local government, special district or enterprise district, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

2. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Special district" has the meaning ascribed to it in NRS 360.650."

Amend the title of the bill, fifth line, after "districts;" by inserting: "making certain changes to the method of calculating the amount of basic governmental services tax to be distributed to a county school district;"

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 568.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 407.

Amend sec. 11, page 6, line 1, by deleting "foot" and inserting: "~~foot~~ upper right corner".

Amend sec. 11, page 6, by deleting lines 9 and 11 and inserting:

"2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded."

Amend sec. 24, page 12, by deleting lines 15 and 16 and inserting:

“(4) Is a notice of the pendency of an action [~~in eminent domain filed~~] by the state [~~pursuant to NRS 37.060.~~] or that city or town.”.

Amend the bill as a whole by deleting sec. 68 and adding:

“Sec. 68. (Deleted by amendment.)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 586.

Bill read second time and ordered to third reading.

Assembly Bill No. 629.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 321.

Amend section 1, pages 1 and 2, by deleting lines 15 through 17 on page 1 and line 1 on page 2, and inserting:

“liquefied petroleum gas , *natural gas* or motor oil additives.”.

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 590.070 is hereby amended to read as follows:

590.070 1. The state board of agriculture shall adopt regulations relating to the standards for ~~[fuel, including diesel fuel]~~ *petroleum products* used in internal combustion engines, which are substantially similar to the laws and regulations of the State of California relating to those standards.

2. The state board of agriculture shall review each amendment, repeal or other revision of a law or regulation of the State of California relating to those standards to determine its appropriateness for this state. The board shall adopt any regulation based on a law or regulation of the State of California which the board determines is necessary or appropriate for this state to ensure that the regulations adopted by the board remain substantially similar to the laws and regulations adopted by the State of California concerning those standards.

3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, gasoline or diesel fuel, unless it conforms with the regulations adopted by the state board of agriculture pursuant to this section.

4. This section does not apply to aviation fuel.

5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

Sec. 3. NRS 590.071 is hereby amended to read as follows:

590.071 1. The state board of agriculture shall:

(a) Enforce the standards relating to ~~[the quality of fuel established]~~ *petroleum products adopted* pursuant to NRS 590.070.

(b) Adopt regulations specifying a schedule of fines that it may impose, upon notice and hearing, for each violation of the provisions of NRS 590.070. The maximum fine that may be imposed by the board for each violation must not exceed \$5,000 per day. All fines collected by the board pursuant to the regulations adopted pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The state board of agriculture may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation.

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the board suspects may have violated any provision of NRS 590.070.”.

Amend the title of the bill to read as follows:

“AN ACT relating to petroleum products; clarifying the standards for regulating petroleum products used in internal combustion engines; revising the definition of “petroleum products”; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Clarifies standards for regulating petroleum products used in internal combustion engines. (BDR 51-543)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 634.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 359.

Amend sec. 2, page 1, by deleting lines 3 through 5 and inserting:

“Sec. 2. 1. *The board of regents may create on each campus of the system a campus review board to advise the president or other chief administrative officer of the campus and, upon request, the board of regents on issues concerning allegations made against peace officers of the police department for the system involving misconduct while serving on the campus.*”.

Amend sec. 2, page 1, line 6, after “A” by inserting “campus”.

Amend sec. 2, page 1, by deleting line 7 and inserting: “*not less than 15 members.*”.

Amend sec. 2, page 1, line 8, by deleting “The” and inserting “A campus”.

Amend sec. 2, page 1, line 9, by deleting “persons.” and inserting: “*persons within the system and in the general public.*”.

Amend sec. 2, page 1, line 10, by deleting “*the*” and inserting “*a campus*”.

Amend sec. 2, page 1, line 13, by deleting “*the*” and inserting “*a campus*”.

Amend sec. 2, page 1, line 17, after “*the*” by inserting “*campus*”.

Amend sec. 2, page 1, line 19, after “*of*” by inserting:

“*chapter 284 of NRS, the regulations adopted pursuant thereto and*”.

Amend sec. 3, page 2, line 4, after “*A*” by inserting “*campus*”.

Amend sec. 4, page 2, line 10, after “*A*” by inserting “*campus*”.

Amend sec. 4, page 2, line 11, by deleting:

“*of five members*”.

Amend sec. 4, page 2, line 14, by deleting “*the*” and inserting “*a campus*”.

Amend sec. 4, page 2, by deleting line 16 and inserting:

“*for the system who has served on the campus to the office of the police department for the system on the campus.*”.

Amend sec. 4, page 2, line 19, by deleting:

“*police department for the system,*” and inserting:

“*office of the police department for the system on the campus,*”.

Amend sec. 4, page 2, by deleting lines 26 and 27 and inserting:

“*panel of a campus review board any information within a personnel file that is specific to a complaint against a peace officer of the police department for the system who has served on the campus, or any other material that is specific to the complaint.*”.

Amend sec. 4, page 2, line 29, by deleting “*the panel*” and inserting:

“*a panel of a campus review board*”.

Amend sec. 4, page 2, line 32, after “*The*” by inserting “*campus*”.

Amend sec. 4, page 2, line 35, before “*review*” by inserting “*campus*”.

Amend sec. 4, page 2, by deleting line 37 and inserting:

“*to the office of the police department for the system on the campus, the president or other chief administrative officer of the campus and, upon request, the board of regents.*”.

Amend sec. 4, page 2, line 38, by deleting “*of the*” and inserting:

“*of a campus*”.

Amend sec. 4, page 2, line 40, by deleting “*the*” and inserting “*a campus*”.

Amend sec. 4, page 2, line 41, by deleting “*records.*” and inserting:

“*records unless otherwise declared confidential by state or federal law.*”.

Amend sec. 5, page 2, line 42, after “*a*” by inserting “*campus*”.

Amend sec. 5, page 2, line 48, by deleting “*documents;*” and inserting:

“*documents specific to a complaint;*”.

Amend the title of the bill by deleting the second and third lines and inserting:

“*the board of regents of the University of Nevada to create campus review boards to review allegations of misconduct against peace officers of the police*”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes creation of campus review boards to review allegations of misconduct against peace officers of police department for University and Community College System of Nevada. (BDR 34-862)”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblymen Williams and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 620.

Bill read second time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 572.

Amend sec. 3, page 2, by deleting lines 42 and 43.

Amend sec. 3, page 2, line 44, by deleting “5.” and inserting “4.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 59.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 59:

YEAS—37.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman, Nolan, Tiffany—5.

Assembly Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 656.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 656:

YEAS—37.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman, Nolan, Tiffany—5.

Assembly Bill No. 656 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 435.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 435:

YEAS—31.

NAYS—Beers, Brower, Brown, Cegavske, Hettrick, Marvel—6.

EXCUSED—Arberry, Carpenter, Freeman, Nolan, Tiffany—5.

Assembly Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblymen Anderson, Goldwater and Beers.

Mr. Speaker requested the privilege of the chair for the purpose of making remarks.

Roll call on Assembly Bill No. 77:

YEAS—37.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman, Nolan, Tiffany—5.

Assembly Bill No. 77 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

The following amendment was proposed by Assemblyman Neighbors:

Amendment No. 565.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section, designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. The holder of the original registration may transfer the registration to another vehicle to be registered by him and use the same license plate or plates thereon, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he is transferring his ownership or interest. Application for transfer of registration must be made in person, if practicable, to any office or agent of the department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete. In computing the governmental services tax, the department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers his ownership or interest in two or more vehicles, the department or the registered dealer shall

credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers his ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

3. In computing the registration fee, the department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred. If the amount owed on the registration fee or governmental services tax on that vehicle is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers his ownership or interest, ~~the department shall issue to the person a refund in an amount equal to the difference between the amount owed on the registration fee or governmental services tax on that vehicle and the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers his ownership or interest.~~ *no refund may be allowed.*

4. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the department or registered dealer and an appropriate plate or plates must be issued by the department. The department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

5. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the department on or before the 60th day for cancellation of the registration.

~~{6. If a person cancels his registration and surrenders to the department his license plates for a vehicle, the department shall issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.}~~

Amend the bill as a whole by adding a new section, designated sec. 4, following sec. 2, to read as follows:

“Sec. 4. 1. This section and section 2 of this act become effective upon passage and approval.

2. Sections 1 and 3 of this act become effective on October 1, 2001.”.

Amend the title of the bill, second line, after “state;” by inserting: “removing the provision which directs the issuance of certain pro rata refunds for registrations canceled under certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions regarding registration of motor vehicles. (BDR 43-213)”.

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 351.

Bill read third time.

The following amendment was proposed by Assemblyman Williams:

Amendment No. 252.

Amend section 1, page 1, line 2, by deleting:

“2 and 3” and inserting:

“2, 3 and 4”.

Amend sec. 3, page 3, by deleting lines 1 through 4 and inserting:

“Sec. 3. 1. *The superintendent of public instruction shall not apportion money from the state distributive school account, in an amount prescribed in subsection 4, to a school district that has entered into a contract or other agreement to delegate to another its responsibility to operate, manage or oversee a school of the school district unless the board of trustees of the school district has:*”.

Amend sec. 3, page 3, line 33, by deleting “and”.

Amend sec. 3, page 3, line 34, after “(e)” by inserting: “A description of the means by which the board of trustees will ensure:

(1) *That the uniform system of common schools that is required by section 2 of article 11 of the constitution of the State of Nevada will not be disrupted by the proposed delegation;*

(2) *That the proposed operation, oversight or management of each school pursuant to the proposed contract or agreement will comply with all applicable judicial precedents, constitutional requirements and statutory requirements, including, without limitation, requirements relating to racial and ethnic composition of the public schools within the school district;*

(3) *That no disparate effect on the financial equity of the public schools within the school district is caused by the operation, oversight or management of each school pursuant to the proposed contract or agreement;*

(4) *Whether the provision of special education and services to pupils with disabilities who are enrolled in a school that is covered by the proposed contract or agreement comply with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.) and NRS 388.440 to 388.520, inclusive; and*

(5) *That an appropriate and comprehensive program of education will be provided to Nevada’s pupils who attend a school that is covered by the proposed contract or agreement, including, without limitation, whether the classroom setting in each such school is appropriate, whether the teachers in*

those schools are qualified and whether the curriculum is nonsectarian and otherwise comports with the statutory and regulatory requirements.

(f)".

Amend sec. 3, pages 3 and 4, by deleting lines 42 through 48 on page 3 and lines 1 through 6 on page 4, and inserting:

"3. The review by the legislature of a written request submitted pursuant to subsection 2 must include, without limitation, an analysis and determination of whether it is reasonable for the State of Nevada to conclude:

(a) That the uniform system of common schools that is required by section 2 of article 11 of the constitution of the State of Nevada will not be disrupted by the proposed delegation;

(b) That the proposed operation, oversight or management of each school pursuant to the proposed contract or agreement will comply with all applicable judicial precedents, constitutional requirements and statutory requirements, including, without limitation, requirements relating to racial and ethnic composition of the public schools within the school district;

(c) That no disparate effect on the financial equity of the public schools within the school district will be caused by the operation, oversight or management of each school pursuant to the proposed contract or agreement;

(d) That the special education and services provided to pupils with disabilities who are enrolled in a school that is covered by the proposed contract or agreement will comply with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.) and NRS 388.440 to 388.520, inclusive; and

(e) That an appropriate and comprehensive program of education will be provided to Nevada's pupils who attend a school that is covered by the proposed contract or agreement, including, without limitation, whether the classroom setting in each such school will be appropriate, whether the teachers in those schools will be sufficiently qualified, and whether the curriculum will remain nonsectarian and otherwise comport with the applicable statutory and regulatory requirements.

4. If a school district enters into such a contract or other agreement without obtaining the approval from the legislature in accordance with this section, the superintendent of public instruction shall take such action as is necessary to reduce the amount of money received by the school district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) For each school that is the subject of the contract or agreement, the number of days on which another person or entity operates, manages or oversees the school pursuant to that contract or agreement without approval from the legislature;

(b) For each school that is the subject of the contract or agreement, the number of pupils enrolled in the school; and

(c) For each school that is the subject of the contract or agreement, the number of dollars of basic support apportioned to the school district per pupil per day pursuant to NRS 387.1233.”.

Amend the bill as a whole by renumbering sections 4 and 5 as sections 6 and 7 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

“Sec. 4. If the board of trustees of a school enters into a contract or other agreement for the operation, management or oversight of a school, the board of trustees of the school district:

1. Remains responsible for complying with all applicable statutes and regulations relating to that school, including, without limitation, NRS 385.3455 to 385.391, inclusive; and

2. If the superintendent of public instruction appoints a licensed administrator to oversee that school pursuant to NRS 385.386, shall ensure that the person or entity with whom the board has entered into the contract complies with all recommendations and actions required by the administrator who was appointed by the superintendent of public instruction.

Sec. 5. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section, NRS 387.528 ~~and~~ *and section 3 of this act:*

1. On or before August 1, November 1, February 1 and May 1 of each year, the superintendent of public instruction shall ~~[-except as otherwise provided in subsections 2 and 3,]~~ apportion the state distributive school account in the state general fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. The apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

2. The governing body of a charter school may submit a written request to the superintendent of public instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the superintendent of public instruction may make the apportionment 30 days before the apportionment is required to be made. A

charter school may receive all four apportionments in advance in its first year of operation.

3. If the state controller finds that such an action is needed to maintain the balance in the state general fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the state controller shall submit a report to the department of administration and the fiscal analysis division of the legislative counsel bureau documenting reasons for the action.”.

Amend sec. 5, page 4, by deleting lines 12 through 14 and inserting: “contract or other agreement before the effective date of this act to delegate to another its responsibility for the operation, management or oversight of a school:”.

Amend sec. 5, page 4, line 34, by deleting: “2 and 3” and inserting: “2, 3 and 4”.

Amend sec. 5, page 4, line 37, by deleting: “2 and 3” and inserting: “2, 3 and 4”.

Amend the bill as a whole by renumbering sec. 6 as sec. 9 and adding a new section designated sec. 8, following sec. 5, to read as follows:

“Sec. 8. If the board of trustees of a school district enters into a contract or other agreement before the effective date of this act to delegate to another its responsibility for the operation, management or oversight of a school and the board of trustees has not received the approval to enter into the contract or agreement from the legislature by concurrent resolution, the superintendent of public instruction shall take such action as is necessary to reduce the amount of money received by the school district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

1. For each school that is the subject of the contract or agreement, the number of days on which another person or entity operates, manages or oversees the school pursuant to that contract or agreement without approval from the legislature by concurrent resolution;

2. For each school that is the subject of the contract or agreement, the number of pupils enrolled in the school; and

3. For each school that is the subject of the contract or agreement, the number of dollars of basic support apportioned to the school district per pupil per day pursuant to NRS 387.123.”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

“the management of public schools; requiring the superintendent of public instruction to withhold a certain portion of a school district’s apportionment from the state distributive school account under certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding delegation by school district of its responsibility for management of public schools. (BDR 34-1292)”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblymen Williams, Chowning and Von Tobel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that the action whereby Assembly Bill No. 482 was referred to the Concurrent Committee on Elections, Procedures, and Ethics be rescinded.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 14, 150, 151, 252; Assembly Concurrent Resolutions Nos. 23, 24; Senate Concurrent Resolutions Nos. 33, 34, 35.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to John O'Neill.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Stephens.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Williams and Gary Williams.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Gardner and Yvonne Gardner.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Biegler and Barbara Kline.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to George Warner.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Garcia and James Ohrenschall.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne Brothers, Vicki Ehni, Margaret Page, Mitch Bonaldi, Katrina Bostic, Kelli Brothers, Justin Curtis, Robin Davis-Lange, Robert Ehni, Drew Good, Sami Hilke, Portia Horn, William Huber, Tedi Izzi, Jackie Johnson, Nicole Johnson, Shauna Judycki, Justin Kaylor, Ashley Lord, Erick Mayorga, Caroline Montes, Mark Riesen, Roy Rodriguez, Maryann Soriano, Stevi Tatham, Levi Taylor, Cody Tyzbir, Cesar Vega, Delaura Welch, Kyle Whetzel, Sarah White, Derek Winter, Andre Zatarain and Roy Viera.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Tommy Ferraro.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 23, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:54 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday) April 23, 2001

Assembly called to order at 10:48 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Beers, Ocegüera and Ohrenschall, who were excused.

Prayer by the Chaplain, Elder Greg Torres.

Our Father in Heaven, we are thankful that we can be here together and serve the members of this state. We pray that You will bless the members of the Assembly and make decisions with thy spirit and thy conscience. Please bless the members that are struggling. Bless our friend Nancy Dickson that she will have a speedy recovery. Please help us throughout this session that thy will can be done and we can feel thy spirit as all the decisions are made. This we ask and we give thee thanks in the name of thy Son. Amen

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 627, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 182, 314, 386, 407, 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 37, 294, 484, 617, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 259, 328, 353, 576, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 587.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 362, 378, 468.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 37, 182, 259, 294, 314, 328, 330, 353, 386, 407, 484, 560, 576, 617 and 627 be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 362.

Assemblywoman Buckley moved that the bill be referred to the Select Committee on Energy.

Motion carried.

Senate Bill No. 378.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 468.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 438.

Amend section 1, page 1, by deleting lines 4 and 5 and inserting: "along the east side of U.S. Interstate No. 515 where there are no existing soundwalls between Boulder Highway and Desert Inn".

Amend sec. 2, page 1, line 8, by deleting "\$6,000,000" and inserting "\$400,000".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. The Department of Transportation and Clark County shall conduct a study of the abatement of traffic noise in Clark County. The study

must include an assessment of the need for the abatement of traffic noise on both sides of U.S. Interstate No. 515 from Charleston Boulevard to Russell Road.

2. The Department of Transportation and the City of Las Vegas shall conduct an assessment of the need for the abatement of traffic noise along those sections of U.S. Interstate No. 515 and U.S. Interstate No. 95 that lie within the boundaries of the City of Las Vegas.

3. The results of the assessments conducted pursuant to this section must be reported to the Director of the Legislative Counsel Bureau on or before February 1, 2003, for transmittal to the 72nd session of the Legislature. Each report must include a plan for the abatement of traffic noise, including the construction of sound barriers where required.”.

Amend the title of the bill, third line, after “County;” by inserting: “directing the Department of Transportation, Clark County and the City of Las Vegas to conduct certain assessments concerning the need for the abatement of traffic noise;”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 482.

Bill read second time and ordered to third reading.

Senate Bill No. 31.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 37 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 400.

Amend section 1, page 2, line 3, by deleting “include” and inserting “address”.

Amend sec. 3, page 4, line 26, by deleting “include” and inserting “address”.

Amend sec. 4, page 5, line 5, by deleting “278.160” and inserting: “278.160, or any portion of such a land use plan,”.

Amend sec. 7, page 6, by deleting line 15 and inserting:

“thereto must not become effective until after transmittal of a copy of the relevant application to the town board, citizens’ advisory council or town advisory board”.

Amend sec. 7, pages 7 and 8, by deleting lines 32 through 49 on page 7 and lines 1 through 5 on page 8, and inserting:

“5. If an application is filed with the governing body and the application involves a change in the boundary of a zoning district within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall transmit a copy of the application within 3 days after its filing to the town board, citizens’ advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens’ advisory council or town advisory board may make recommendations regarding the application and submit its recommendations at least 15 days before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens’ advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, transmit a copy of its decision to the town board, citizens’ advisory council or town advisory board.”.

Amend sec. 8, page 10, by deleting lines 10 through 32 and inserting:

“4. If an application is filed with the governing body for the issuance of a special use permit with regard to property situated within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall transmit a copy of the application within 3 days after its filing to the town board, citizens’ advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens’ advisory council or town advisory board may make recommendations regarding the application and submit its recommendations at least 21 days before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens’ advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, transmit a copy of its decision to the town board, citizens’ advisory council or town advisory board.”.

Amend sec. 9, page 11, by deleting lines 24 and 25 and inserting:

“Each member of a town advisory board shall, at least once during the first year of his initial term of office and at least once during every subsequent”.

Amend sec. 9, page 11, line 28, by deleting “*planning;*” and inserting: “*planning, development and any other subject matter that the board of county commissioners deems necessary;*”.

Amend sec. 11, page 11, by deleting lines 45 through 48 and inserting:

“(1) The results of any poll conducted by the town advisory board;”.

Amend sec. 11, page 12, line 1, by deleting “(3)” and inserting “(2)”.

Amend sec. 11, page 12, by deleting lines 4 and 5 and inserting:

“(b) ~~[Terms]~~ *A term of 4 years for members of the town advisory board, which must be staggered and must expire on the first Monday in January of ~~[each]~~ an odd-numbered year. No person who has served for a term as a member of a town advisory board is eligible for reappointment until 2 years after the expiration of his term.*”.

Amend sec. 11, page 12, line 10, after “2.” by inserting:

“*The board of county commissioners shall provide notice of any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 90 days before filling the vacancy.*

3.”.

Amend sec. 11, page 12, line 16, by deleting “3.” and inserting “~~[3.]~~ 4.”.

Amend the title of the bill to read as follows:

“AN ACT relating to land use planning; expanding the subjects that must be addressed in a master plan in certain counties; limiting the number of annual amendments to the land use plan of the master plan or portions thereof in certain circumstances; revising provisions governing applications for changes in the boundaries of zoning districts and special use permits with regard to property located within certain unincorporated towns; requiring members of a town advisory board to receive certain training; authorizing the election of and providing limitations on the terms of members of town advisory boards in certain counties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to process of land use planning in certain counties and revises provisions regarding members of town advisory boards in certain counties. (BDR 22-57)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 504.

Amend the bill as a whole by deleting sec. 2.

Amend the title of the bill to read as follows:

“AN ACT relating to criminal procedure; revising certain provisions that limit the time of day that an arrest for a misdemeanor may be made to exclude arrests for certain misdemeanor offenses related to domestic violence; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions governing warrantless arrests. (BDR 14-212)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 375.

Amend sec. 3, page 3, line 12, after “in” by inserting:

“*subsection 3 and*”.

Amend sec. 3, page 3, by deleting lines 20 through 23 and inserting:

“agency, or any other agency or public official, if:

(a) Three years or more have elapsed ~~[after termination of the jurisdiction of the juvenile]~~ *since the child was declared a ward of the court; or*

(b) Three years or more have elapsed since the child was last referred”.

Amend sec. 3, page 3, by deleting lines 28 through 34 and inserting:

“*when the child reaches 21 years of age.*

3. If a child is adjudicated delinquent for an act that, if committed by an adult, would be punishable as sexual assault pursuant to NRS 200.366, battery with intent to commit sexual assault pursuant to NRS 200.400 or lewdness with a child pursuant to NRS 201.230, or for an act involving the use or threatened use of force or violence that, if committed by an adult, would be punishable as a felony, any records pertaining to that act must not be sealed.”.

Amend sec. 3, page 3, by deleting lines 37 and 38 and inserting “petitioner. The”.

Amend sec. 3, page 3, lines 41 and 42, by deleting:

“since such termination of jurisdiction,” and inserting:

“~~[since such termination of jurisdiction,]~~ *during the applicable 3-year period,*”.

Amend the title of the bill to read as follows:

“AN ACT relating to juveniles; providing that juveniles who are adjudicated delinquent for committing certain acts that would be crimes if committed by an adult may not have their records sealed; making various other changes related to sealing of juvenile records; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 163.

Amend section 1, page 1, line 2, by deleting “2” and inserting “2, 2.5”.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

“Sec. 2.5. *If, in a previous transaction between an agency and a person, a check or draft was returned to the agency because the person had insufficient money or credit with the drawee to pay the check or draft or because the person had stopped payment on the check or draft, the agency may refuse to conduct an additional transaction with the person until the debt owed in the previous transaction is paid.*”.

Amend sec. 4, page 1, line 19, by deleting “may” and inserting “shall”.

Amend sec. 6, page 2, line 37, by deleting “5” and inserting “[5] 6”.

Amend sec. 9, page 4, line 30, by deleting “5” and inserting “[5] 6”.

Amend sec. 12, page 6, line 12, by deleting “5” and inserting “6”.

Amend sec. 13, page 7, by deleting lines 24 through 27 and inserting: “of Nevada through the suspension of, cancellation of or refusal to renew vehicle registrations and certain licenses and permits issued by the state and the refusal to provide related services.”.

Amend sec. 14, pages 7 and 8, by deleting lines 33 through 49 on page 7 and line 1 on page 8, and inserting:

“department has issued a license or permit or for whom the department has registered a vehicle is in default on a debt owed to an agency or the State of Nevada, shall send a written notice to that person advising him that his license or permit and vehicle registration are subject to suspension, cancellation or refusal to renew.

2. The notice must include:

(a) The reason for the suspension of, cancellation of or refusal to renew the license or permit and vehicle registration;

(b) The text of this section; and

(c) Any other information that the department deems necessary.

3. Upon receipt of notice from the state controller pursuant to subsection 1 that a person to whom the department has issued a license or permit or for whom the department has registered a vehicle is in default on a debt owed to an agency or the State of Nevada, the department may, after sending the written notice required pursuant to that subsection, suspend, cancel or refuse to renew the license or permit of the person and the registration of a vehicle owned by the person.

4. The department shall reinstate such a license or permit and vehicle”.

Amend sec. 14, page 8, line 10, after “suspended” by inserting “or canceled”.

Amend sec. 14, page 8, by deleting lines 13 through 16 and inserting:

“5. The department shall not require a person whose driver’s license or permit is suspended or canceled pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to

subsection 1 of NRS 483.495 as a condition of the reinstatement of the license or permit.”.

Amend sec. 15, page 8, by deleting lines 22 through 46 and inserting: “person who holds a license or permit to hunt, fish or trap, or any other license or permit issued by the division, is in default on a debt owed to an agency or the State of Nevada, shall send a written notice to that person advising him that:

(a) His license or permit is subject to suspension, cancellation or refusal to renew; and

(b) He is subject to a fee of \$25 for each check or draft returned to the division because the person had insufficient money or credit with the drawee to pay the check or draft or because the person stopped payment on the check or draft.

2. The notice must include:

(a) The reason for the suspension of, cancellation of or refusal to renew the license or permit;

(b) The text of this section; and

(c) Any other information that the division deems necessary.

3. Upon receipt of notice from the state controller pursuant to subsection 1 that a person to whom the division has issued a license or permit is in default on a debt owed to an agency or the State of Nevada, the division may, after sending the written notice required pursuant to that subsection, suspend, cancel or refuse to renew the license or permit of the person.

4. The division shall reinstate such a license or permit if:

(a) The license or permit is still valid and has not expired; and

(b) The division receives a notice from the state controller that the person has:

(1) Paid the debt, including all penalties, interest, costs and fees, if any;

(2) Entered into an agreement for the payment of the debt on an installment basis pursuant to NRS 353C.130; or

(3) Obtained a discharge in bankruptcy of the debt.

5. The division shall not issue a new license or permit to hunt, fish or trap, or any other license or permit issued by the division, to a person whose license or permit is suspended, cancelled or refused renewal pursuant to this section unless the division receives a”.

Amend sec. 16, page 9, line 6, by deleting:

“on July 1, 2001.” and inserting:

“upon passage and approval.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 349.

Amend the bill as a whole by renumbering sections 3 through 14 as sections 4 through 15 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 176A.860 is hereby amended to read as follows:

176A.860 A convicted person who is granted an honorable discharge from probation, who has not previously been restored to his civil rights, ~~and who is not convicted of any offense greater than a traffic violation within 6 months after the discharge,~~ may apply to the division to request a restoration of his civil rights. ~~[The application must be accompanied by a current, certified record of the applicant's criminal history received from the central repository for Nevada records of criminal history.]~~ If the division determines after an investigation that the applicant ~~[meets the requirements of this section,]~~ *has been granted an honorable discharge from probation*, it shall petition the court in which the applicant was convicted for an order granting the restoration. If the division refuses to submit such a petition, the applicant may, after notice to the division, directly petition the court for restoration of his civil rights.”.

Amend sec. 4, page 2, by deleting lines 38 through 42 and inserting:

“(a) ~~[Any]~~ *A category A or B felony may, after 15 years from the date of his conviction or, if he is imprisoned, or on parole or probation, from the date of his release from actual custody [;], or discharge from parole or probation, whichever occurs later;*

(b) A category C or D felony may, after 12 years from the date of his conviction or, if he is imprisoned, or on parole or probation, from the date of his release from actual custody, or discharge from parole or probation, whichever occurs later;

(c) A category E felony may, after 10 years from the date of his conviction or, if he is imprisoned, or on parole or probation, from the date of his release from actual custody, or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor may, after ~~[10]~~ 7 years from the date of his”.

Amend sec. 4, page 2, line 44, by deleting “[;]” and inserting “[; (e)]”.

Amend sec. 4, page 2, line 46, by deleting “(c)” and inserting “(e)”.

Amend sec. 4, page 2, line 48, by deleting “[7] 2” and inserting “7”.

Amend sec. 4, page 3, line 1, by deleting “[;]” and inserting:

“~~[; or~~
~~(d)]~~”.

Amend sec. 4, page 3, line 2, by deleting “or” and inserting “or”.

Amend sec. 4, page 3, by deleting line 3 and inserting:

“(f) Any other misdemeanor may, after ~~[5]~~ 3 years from the date of”.

Amend sec. 6, page 5, by deleting lines 6 through 12 and inserting:

"2. The court shall order the civil rights of the person to whom the order pertains to be restored if the person has not been restored to his civil rights."

Amend sec. 10, page 7, by deleting lines 4 and 5 and inserting:
 "immediate restoration of his civil rights , ~~{and has not been convicted of any offense greater than a traffic violation within 5 years after such pardon,}~~".

Amend sec. 10, page 7, by deleting lines 9 and 10 and inserting:
 "board determines that the applicant ~~{meets the requirements of this subsection,}~~ has received a pardon, it shall restore him to his civil rights and release him from all".

Amend sec. 11, page 7, line 22, by deleting "rights," and inserting:
 "rights ~~{,}~~ and".

Amend sec. 11, page 7, by deleting lines 23 through 25 and inserting:
 "honorable discharge from parole pursuant to NRS 213.154 , ~~{and has not been convicted of any offense greater than a traffic violation within 5 years after completion of parole,}~~ he may apply to the state board of parole".

Amend sec. 11, page 7, by deleting lines 28 through 32 and inserting:
 "convicted. ~~{The application must be accompanied by a current, certified record of the applicant's criminal history received from the central repository for Nevada records of criminal history.}~~ If, after investigation, the board determines that the applicant ~~{meets the requirements of this subsection,}~~ has received an honorable discharge from parole, it shall restore him to his civil rights and release him from all".

Amend sec. 12, page 7, by deleting lines 42 through 44 and inserting:
 "of Nevada has served his sentence and been released from prison, ~~{and has not been convicted of any offense greater than a traffic violation within 5 years of his release,}~~ he may apply to the division requesting restoration of".

Amend sec. 12, pages 7 and 8, by deleting lines 46 through 49 on page 7 and line 1 on page 8, and inserting:
 "from the offense or crime of which he was convicted. ~~{The application must be accompanied by a current, certified record of the applicant's criminal history received from the central repository for Nevada records of criminal history.}~~ If, after investigation, the division determines that the applicant ~~{meets the requirements of this section,}~~ has served his sentence and been released from prison, it shall petition the district court in".

Amend sec. 13, page 8, line 10, after "NRS" by inserting "176A.860,".

Amend the title of the bill, third line, after "seal" by inserting "certain".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 330.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 508.

Amend the bill as a whole by deleting sections 1 through 7 and renumbering sec. 8 as section 1.

Amend the bill as a whole by deleting sections 9 through 11 and renumbering sections 12 through 14 as sections 2 through 4.

Amend the title of the bill to read as follows:

“AN ACT relating to prisons; making various changes concerning criminal acts committed in a prison; providing a penalty; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning prisons. (BDR 16-662)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 330 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 300.

Amend section 1, page 1, by deleting line 8 and inserting:

“3. Not less than 45 days before the date set for a hearing conducted pursuant to subsection 2, the court shall hold an ex parte hearing in camera with the defendant and his counsel present to:

(a) Review the evidence of the defendant concerning whether the defendant is mentally retarded, including, without limitation, psychological, psychiatric and other reports, records of the defendant from school and statements by witnesses; and

(b) Determine what evidence concerning whether the defendant is mentally retarded is material and should be provided to the prosecution.

4. The court shall order:

(a) The defendant to provide the evidence that the court determines is material pursuant to subsection 3 to the prosecution not less than 30 days before the date set for a hearing conducted pursuant to subsection 2; and

(b) The defendant to be examined, not less than 15 days before the date set for a hearing conducted pursuant to subsection 2, by an expert selected by the prosecution on the issue of whether the defendant is mentally retarded.

5. For the purpose of the hearing conducted pursuant to subsection 2, there is no privilege for any information or evidence provided to the prosecution or obtained by the prosecution pursuant to subsection 4.

6. At a hearing conducted pursuant to subsection 2:”.

Amend section 1, page 1, line 16, by deleting “4.” and inserting “7.”.

Amend section 1, page 1, line 17, by deleting “*this section*” and inserting “*subsection 2*”.

Amend section 1, page 2, line 1, by deleting “5.” and inserting “8.”.

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 177.015 is hereby amended to read as follows:

177.015 The party aggrieved in a criminal action may appeal only as follows:

1. Whether that party is the state or the defendant:

(a) To the district court of the county from a final judgment of the justice’s court.

(b) To the supreme court from an order of the district court granting a motion to dismiss, a motion for acquittal or a motion in arrest of judgment, or granting or refusing a new trial.

(c) *To the supreme court from a conclusion of the district court made as a result of a hearing held pursuant to subsection 2 of section 1 of this act. If the supreme court entertains the appeal, it shall enter an order staying the criminal proceedings against the defendant for such time as may be required.*

2. The state may, upon good cause shown, appeal to the supreme court from a pretrial order of the district court granting or denying a motion to suppress evidence made pursuant to NRS 174.125. Notice of the appeal must be filed with the clerk of the district court within 2 judicial days and with the clerk of the supreme court within 5 judicial days after the ruling by the district court. The clerk of the district court shall notify counsel for the defendant or, in the case of a defendant without counsel, the defendant within 2 judicial days after the filing of the notice of appeal. The supreme court may establish such procedures as it determines proper in requiring the appellant to make a preliminary showing of the propriety of the appeal and whether there may be a miscarriage of justice if the appeal is not entertained. If the supreme court entertains the appeal, or if it otherwise appears necessary, it may enter an order staying the trial for such time as may be required.

3. The defendant only may appeal from a final judgment or verdict in a criminal case.

4. Except as otherwise provided in subsection 3 of NRS 174.035, the defendant in a criminal case shall not appeal a final judgment or verdict resulting from a plea of guilty, guilty but mentally ill or nolo contendere that the defendant entered into voluntarily and with a full understanding of the nature of the charge and the consequences of the plea, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings. The supreme court may establish procedures to require the defendant to make a preliminary showing of the propriety of the appeal.”.

Amend sec. 3, page 3, line 5, after “to” by inserting: “*subsection 2 of*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 406.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any public officer or employee of the state or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an emergency communications technician must be relieved from his duties, upon the request of the division of emergency management of the department of motor vehicles and public safety or a local organization for emergency management and the approval of his employer, to assist the division or local organization for emergency management during a disaster or emergency that occurs in this state, California, Oregon, Idaho, Utah or Arizona, without loss of his regular compensation for a period of not more than 15 working days in any calendar year. No such absence may be a part of the annual vacation of the public officer or employee which is provided for by law.*

2. *As used in this section:*

(a) *“Disaster” has the meaning ascribed to it in NRS 414.0335.*

(b) *“Emergency” has the meaning ascribed to it in NRS 414.0345.*

(c) *“Emergency communications technician” means a person who is:*

(I) *Licensed by the Federal Communications Commission as an amateur radio operator; and*

(2) *A member of:*

(I) *The Radio Amateur Civil Emergency Service or a successor organization sponsored by the agency of the Federal Government for emergency management; or*

(II) *The Amateur Radio Emergency Service or a successor organization sponsored by the American Radio Relay League or its successor.*

(d) *“Local organization for emergency management” has the meaning ascribed to it in NRS 414.036.”.*

Amend the bill as a whole by deleting sec. 2.

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 through 13 as sections 7 through 12.

Amend sec. 12, page 6, by deleting lines 1 and 2 and inserting:

“Sec. 11. NRS 284.120, 284.225, 284.280 and 284.400 are hereby repealed.”.

Amend the text of repealed sections by deleting the text of NRS 284.012, 284.317 and 284.379.

Amend the title of the bill to read as follows:

“AN ACT relating to public employees; authorizing a leave of absence for certain public officers or employees to assist the division of emergency management of the department of motor vehicles and public safety or a local organization for emergency management during a disaster or emergency; revising certain provisions relating to the classified and unclassified services of the state; repealing certain provisions relating to cooperation with the public employees’ retirement board and the requirement of a bond for appointment to certain positions; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning public employees. (BDR 23-621)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 454.

Amend section 1, page 2, by deleting lines 5 through 19 and inserting:

“4. A financial incentive must be included in the calculation of the value of financial incentives provided to a developer prescribed in subsection 2 if the agreement between the agency and the developer pursuant to subsection 2 did not provide for the recovery of the financial incentive and:

(a) The developer or any partner, director or officer of the developer acted in a capacity to encourage or influence the agency to provide the financial incentive.

(b) The financial incentive was a gift, grant, donation or loan.

(c) The financial incentive was not a gift, grant, donation or loan and the agency incurred the costs for the financial incentive within the 60 months immediately preceding the date on which the agency and the developer entered into the agreement.”.

Amend section 1, page 2, lines 32 and 33, by deleting: “to meet standards which are” and inserting: “that would be”.

Amend section 1, page 2, by deleting line 35.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 509.

Amend section 1, page 1, line 11, after “expenses” by inserting: “, *any other fees payable by a unit’s owner*”.

Amend section 1, page 2, by deleting lines 1 and 2 and inserting:

“(d) *A statement listing all written notices of a violation of the governing documents of the association associated with the unit which the association has previously provided to the selling unit’s owner and which the purchaser will be obligated*”.

Amend section 1, page 2, by deleting lines 7 and 8 and inserting: “actions ~~against~~ *to which the association is a party* and the status of any such pending legal actions ~~relating to the common interest community of which the unit’s owner has~~”.

Amend section 1, page 2, by deleting lines 12 through 15 and inserting:

“(h) *A statement of any claim for a constructional defect of which the association has actual knowledge and for which the association will be a party.*

2. The association, within 10 days after *receipt of a written request* by a unit’s owner,”.

Amend section 1, page 2, line 16, after “certificate” by inserting: “*addressed to the unit’s owner at the address included in the written request*”.

Amend section 1, page 2, line 18, after “board” by inserting: “*of the association or an authorized agent*”.

Amend section 1, page 2, by deleting line 22 and inserting:

“3. ~~Neither~~ *Except as otherwise provided in subsection 6, neither a purchaser nor the purchaser’s interest in a unit is liable to the association for*”.

Amend section 1, page 2, by deleting lines 27 through 29 and inserting:

“(b) *The correction or repair of any violation of the governing documents of the association that is not disclosed pursuant to paragraph (d) of subsection 1.*”.

Amend section 1, page 2, line 31, after “liable” by inserting: “*to the association*”.

Amend section 1, page 2, by deleting lines 34 and 35 and inserting:

“(b) *The correction or repair of any violation of the governing documents of the association associated with the unit that is required to be disclosed pursuant to paragraph (d) of subsection 1.*

5. *A certificate issued by an association pursuant to this section becomes effective on the date the certificate is signed pursuant to subsection 2.*

6. *The association is not liable to any person for undisclosed information if a unit's owner does not make a written request for a certificate pursuant to subsection 2."*

Amend sec. 2, page 4, line 45, after "any" by inserting: "*other fees payable by a unit's owner and any*".

Amend sec. 2, pages 4 and 5, by deleting lines 47 and 48 on page 4 and lines 1 through 3 on page 5, and inserting:

"(d) A statement listing all written notices of a violation of the governing documents of the association associated with the unit which the association has previously provided to you and which the purchaser will be obligated to correct or repair.

(e) A statement of any outstanding judgments or ~~lawsuits pending against~~ pending legal actions to which the association ~~of which you are aware. You are also required to provide a~~ is a party and the status of such pending legal actions."

Amend sec. 2, page 5, by deleting lines 6 through 8 and inserting:

"(g) A statement of any claim for a constructional defect of which the association has actual knowledge and for which the association will be a party."

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 560.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 466.

Amend sec. 3, page 3, between lines 38 and 39, by inserting:

"(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe."

Amend sec. 3, pages 3 and 4, by deleting lines 46 through 49 on page 3 and lines 1 through 5 on page 4.

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 289.550 is hereby amended to read as follows:

289.550 1. ~~[The persons]~~ Except as otherwise provided in subsection 2, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the commission ~~[, except~~

~~1.-~~ within 1 year after the date on which the person commences employment as a peace officer unless the commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified.

2. The following persons are not required to be certified by the commission:

- (a) The chief parole and probation officer;
- ~~{2.-}~~ (b) The director of the department of prisons;
- ~~{3.-}~~ (c) The state fire marshal;
- ~~{4.-}~~ (d) The director of the department of motor vehicles and public safety, the deputy directors of the department, the chiefs of the divisions of the department other than the investigation division, and the members of the state disaster identification team of the division of emergency management of the department;
- ~~{5.-}~~ (e) The commissioner of insurance and his chief deputy;
- ~~{6.-}~~ (f) Railroad policemen; and
- ~~{7.-}~~ (g) California correctional officers.”.

Amend the title of the bill to read as follows:

“AN ACT relating to law enforcement; providing that certain field agents and inspectors of the state department of agriculture are category II peace officers; providing that the peace officers’ standards and training commission may enter into certain interlocal agreements with Indian tribes; requiring that certain peace officers be certified by the commission within a certain period; revising the authority of the director of the state department of agriculture to designate certain department personnel as field agents; and providing other matters properly relating thereto.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 576.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 510.

Amend sec. 2, page 2, after “3.” by inserting:

“The provisions of this section apply only to civil litigation involving a signatory or a successor in interest of a signatory of the Master Settlement Agreement, as the term is defined in NRS 370A.070.

4.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, The money paid to this state pursuant to the Master Settlement Agreement entered into between this state and tobacco product manufacturers contributes substantially to the funds available to this state to

provide essential health services, education services and other human services; and

WHEREAS, It is critical that the legislature take action to ensure that the money available for these services not be unnecessarily diverted by reason of unrelated civil actions against tobacco product manufacturers; and

WHEREAS, The legislature may take steps to protect the interest of this state in revenue available pursuant to the Master Settlement Agreement without unduly burdening the interests of other claimants; now, therefore,”.

Amend the title of the bill, second line, by deleting:
“the procedures for determining”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 617.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 374.

Amend sec. 63, page 33, line 45, by deleting:“*partnership or business trust*” and inserting:

“*partnership, business trust, municipal corporation, political party, political action committee or recall committee*”.

Amend sec. 63, page 33, line 47, by deleting:
“*partnership or business trust*” and inserting:

“*partnership, business trust, municipal corporation, political party, political action committee or recall committee*”.

Amend sec. 65, page 34, line 6, by deleting “*Nevada;*” and inserting:
“*Nevada or a law firm whose partners, shareholders or members are members in good standing of the State Bar of Nevada;*”.

Amend sec. 65, page 34, line 8, by deleting “*permit;*” and inserting:
“*permit or an accounting firm whose partners, shareholders or members hold a live permit;*”

Amend sec. 65, page 34, by deleting lines 14 and 15 and inserting:

“*4. A person acting as a resident agent for not more than 10 persons if such a resident*”.

Amend sec. 65, page 34, line 20, after “*entity*” by inserting:
“*maintains a street address at an actual physical location in this state at all times during which the person or entity acts in the capacity of a resident agent and*”.

Amend sec. 66, page 34, by deleting line 25 and inserting:

“(a) *One member who is a representative of the general public;*”.

Amend sec. 67, page 35, by deleting lines 7 and 8 and inserting:

“*5. A majority of the board constitutes a quorum for the transaction of business.*”.

Amend sec. 68, page 35, by deleting lines 19 through 22.

Amend sec. 68, page 35, line 23, by deleting “3.” and inserting “2.”.

Amend sec. 68, page 35, line 27, by deleting “4.” and inserting “3.”.

Amend sec. 69, page 35, between lines 34 and 35, by inserting:

“3. An order or decision of the board resulting from a closed meeting held pursuant to subsection 2 must be open to inspection by the public.”.

Amend sec. 78, page 37, line 25, after “(e)” by inserting:

“Maintains normal hours of operation from at least 8 a.m. to 5 p.m., Monday through Friday, in order to receive service of process; (f)”.

Amend sec. 78, page 37, line 27, by deleting “(f)” and inserting “(g)”.

Amend sec. 78, page 37, line 36, by deleting “and”.

Amend sec. 78, page 37, line 37, after “(c)” by inserting:

“Maintains normal hours of operation from at least 8 a.m. to 5 p.m., Monday through Friday, in order to receive service of process; and (d)”.

Amend sec. 90, page 42, line 15, by deleting “and”.

Amend sec. 90, page 42, line 16, after “(e)” by inserting:

“Maintains normal hours of operation from at least 8 a.m. to 5 p.m., Monday through Friday, in order to receive service of process; and (f)”.

Amend sec. 90, page 42, line 18, by deleting “(f)” and inserting “(g)”.

Amend sec. 90, page 42, line 28, by deleting “and”.

Amend sec. 90, page 42, line 29, after “(c)” by inserting:

“Maintains normal hours of operation from at least 8 a.m. to 5 p.m., Monday through Friday, in order to receive service of process; and (d)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 617 be placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 627.

Bill read second time.

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

Amendment No. 521.

Amend section 1, page 1, line 3, by deleting “400,000” and inserting “100,000”.

Amend section 1, page 2, line 25, by deleting “400,000” and inserting “100,000”.

Amend sec. 2, page 3, by deleting lines 15 through 17 and inserting:

"11. *Advertises goods or services as being available free of charge*".

Amend sec. 2, page 3, line 20, by deleting "13." and inserting "12".

Amend sec. 2, page 3, line 23, by deleting "14." and inserting "13".

Amend sec. 2, page 3, line 26, by deleting "15." and inserting "14".

Amend sec. 2, page 3, line 29, by deleting "16." and inserting "15".

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 37.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 502.

Amend section 1, page 1, by deleting line 4 and inserting:

"(a) *"Gross annual income" means the total amount of income earned each year from any source of a wage-earning employee or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.*

(b) *"Gross monthly income" means the total amount of income earned each month from*".

Amend section 1, page 1, line 10, by deleting "(b)" and inserting "~~[(b)]~~ (c)".

Amend section 1, page 1, line 17, by deleting "\$785" and inserting: *"the maximum amount set forth for the parent in subsection 2"*.

Amend section 1, page 2, line 1, after "2." by inserting:

"For the purposes of paragraph (c) of subsection 1, the maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:

INCOME RANGE			MAXIMUM AMOUNT
<i>If the Parent's Gross Annual Income is Over</i>		<i>But Not Over</i>	<i>The Maximum Amount the Parent May Be Required to Pay Pursuant to Paragraph (c) of Subsection 1 Is</i>
\$0	-	\$50,000	\$500
50,000	-	75,000	550
75,000	-	100,000	600
100,000	-	125,000	650
125,000	-	150,000	700
150,000	-	175,000	750

If a parent's gross annual income is more than \$175,000, the maximum amount the parent may be required to pay pursuant to paragraph (c) of subsection 1 is \$800.

3. *The amounts set forth in subsection 2 for each income range and the corresponding amount of the obligation for support must be adjusted on January 1 for each calendar year in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On or before December 15 of each year, the office of court administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts in effect beginning on January 1 of the succeeding calendar year and notify each district court of the adjusted amounts.*

4. *A court may provide in its order that a parent is required to pay the maximum amount for an obligation for support as determined pursuant to subsections 1 and 2 and increased each year pursuant to subsection 3. If the court issues such an order, it shall provide in the order the current amount that the parent is required to pay through the end of the calendar year and require the parent to contact the court before January 1 of each subsequent calendar year to determine the amount of his obligation for support for each subsequent year.*

5.”.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 125B.080 is hereby amended to read as follows:

125B.080 Except as otherwise provided in NRS 425.450:

1. A court of this state shall apply the appropriate formula set forth in ~~paragraph (b) of subsection 1 of~~ NRS 125B.070 to:

(a) Determine the required support in any case involving the support of children.

(b) Any request filed after July 1, 1987, to change the amount of the required support of children.

2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in ~~paragraph (b) of subsection 1 of~~ NRS 125B.070. If the amount of support deviates from the formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy or falsification of financial information which results in an inappropriate award of support is grounds for a motion to modify or adjust the award.

3. If the parties disagree as to the amount of the *gross annual income* or gross monthly income of either party, the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax returns for the preceding 3 years. Once a court has established an obligation for support by reference to a formula set forth in ~~paragraph (b) of subsection 1 of~~ NRS 125B.070, any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to *subsections 3 and 4 of NRS 125B.070* or NRS

425.450 or as a result of a review conducted pursuant to subsection 1 of NRS 125B.145, must be based upon changed circumstances.

4. Notwithstanding the formulas set forth in ~~paragraph (b) of subsection 1 of~~ NRS 125B.070, the minimum amount of support that may be awarded by a court in any case is \$100 per month per child, unless the court makes a written finding that the obligor is unable to pay the minimum amount. Willful underemployment or unemployment is not a sufficient cause to deviate from the awarding of at least the minimum amount.

5. It is presumed that the basic needs of a child are met by the formulas set forth in ~~paragraph (b) of subsection 1 of~~ NRS 125B.070. This presumption may be rebutted by evidence proving that the needs of a particular child are not met by the applicable formula.

6. If the amount of the awarded support for a child is greater or less than the amount which would be established under the applicable formula, the court shall:

(a) Set forth findings of fact as to the basis for the deviation from the formula; and

(b) Provide in the findings of fact the amount of support that would have been established under the applicable formula.

7. Expenses for health care which are not reimbursed, including expenses for medical, surgical, dental, orthodontic and optical expenses, must be borne equally by both parents in the absence of extraordinary circumstances.

8. If a parent who has an obligation for support is willfully underemployed or unemployed to avoid an obligation for support of a child, that obligation must be based upon the parent's true potential earning capacity.

9. The court shall consider the following factors when adjusting the amount of support of a child upon specific findings of fact:

(a) The cost of health insurance;

(b) The cost of child care;

(c) Any special educational needs of the child;

(d) The age of the child;

(e) The responsibility of the parents for the support of others;

(f) The value of services contributed by either parent;

(g) Any public assistance paid to support the child;

(h) Any expenses reasonably related to the mother's pregnancy and confinement;

(i) The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;

(j) The amount of time the child spends with each parent;

(k) Any other necessary expenses for the benefit of the child; and

(l) The relative income of both parents.”.

Amend the title of the bill to read as follows:

“AN ACT relating to child support; increasing the maximum monthly amount that certain parents may be required to pay for support of a child; requiring the office of court administrator to adjust annually the amount of such payments based on the consumer price index; authorizing the court to order a parent to pay the maximum amount for an obligation for support of a child as adjusted annually by the office of court administrator; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing maximum monthly amount that certain parents may be required to pay for support of their children. (BDR 11-1051)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 10—Providing for the appointment of additional attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That A. Louise Darden and W. Wayne Willson are elected as additional attachés of the Assembly for the 71st session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblyman Williams moved that Assembly Bill No. 351 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 489 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 469 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Buckley moved that the reading of the history of Assembly Bills on the General File be dispensed with for this legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:32 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 27.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 27:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 60:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblymen Gibbons, Gustavson and Smith.

Conflict of interest declared by Assemblywoman Gibbons.

Roll call on Assembly Bill No. 94:

YEAS—35.

NAYS—Angle, Gustavson—2.

NOT VOTING—Gibbons.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 94 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblymen Bache and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 95:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 125:

YEAS—36.

NAYS—Buckley, Collins—2.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 279 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Bill No. 163:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 246:

YEAS—36.

NAYS—Angle, Gustavson—2.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 246 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblymen Dini and Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Assembly Bill No. 289:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 289 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 308.

Bill read third time.

Remarks by Assemblywomen Tiffany and Buckley.

Roll call on Assembly Bill No. 308:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 308 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Brower and Gibbons.

Roll call on Assembly Bill No. 327:

YEAS—25.

NAYS—Angle, Berman, Brower, Brown, Cegavske, Claborn, Dini, Gustavson, Hettrick, Humke, Marvel, Nolan, Von Tobel—13.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 327 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 338.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 338:

YEAS—30.

NAYS—Angle, Brower, Brown, Carpenter, Cegavske, Gustavson, Hettrick, Nolan—8.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 338 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 345:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 370:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 370 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 644 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Assembly Bill No. 497:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 501:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 501 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 568.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 568:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 568 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 586.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 586:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 586 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 604:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 604 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 620.

Bill read third time.

Remarks by Assemblymen Dini, Lee and Collins.

Potential conflict of interest declared by Assemblymen Lee and Collins.

Roll call on Assembly Bill No. 620:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 620 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 629.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 629:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 629 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 634.

Bill read third time.

Remarks by Assemblywomen Parnell and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 634:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 634 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 637.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 637:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 637 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 639.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 639:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 639 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Joint Resolution No. 10:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

The following amendment was proposed by Assemblymen Gustavson and Anderson:

Amendment No. 579.

Amend section 1, page 2, line 10, by deleting “*any felony*” and inserting: “*a category A, B or C felony*”.

Amend section 1, page 2, line 27, by deleting “*any felony*.” and inserting: “*a category A, B or C felony*.”.

Amend the title of the bill, second line, by deleting “all” and inserting “certain”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires genetic marker analysis to be obtained from certain offenders convicted of felony. (BDR 14-1038)”.

Assemblyman Gustavson moved the adoption of the amendment.

Remarks by Assemblyman Gustavson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblymen Leslie and Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Assembly Bill No. 279:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Beers, Ocegüera, Ohrenschall—4.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Bill Meakin be accepted as a accredited press representative, that he be assigned space at the press table in the Assembly chambers and that he be allowed use of appropriate broadcasting facilities.

Motion carried.

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Energy, to which was referred Assembly Bill No. 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 418 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Select Committee on Energy:

Amendment No. 461.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 19 and the text of the repealed section, following the enacting clause, to read as follows:

“Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Biomass” means any organic matter that is available on a renewable basis, including, without limitation:*

1. *Agricultural crops and agricultural wastes and residues;*
2. *Wood and wood wastes and residues;*
3. *Animal wastes;*
4. *Municipal wastes; and*
5. *Aquatic plants.*

Sec. 4. *“Portfolio standard” means a portfolio standard for renewable energy established by the commission pursuant to section 9 of this act.*

Sec. 5. 1. *“Provider of electric service” and “provider” mean any person or entity that is in the business of selling electricity to retail customers in this state, regardless of whether the person or entity is otherwise subject to regulation by the commission.*

2. *The term does not include:*

- (a) *This state or an agency or instrumentality of this state.*
- (b) *A rural electric cooperative established pursuant to chapter 81 of NRS.*
- (c) *A general improvement district established pursuant to chapter 318 of NRS.*
- (d) *A utility established pursuant to chapter 709 or 710 of NRS.*
- (e) *A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.*

(f) A landlord of a mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

Sec. 6. 1. *"Renewable energy" means:*

- (a) Biomass;*
- (b) Hydrogen;*
- (c) Geothermal energy;*
- (d) Solar energy;*
- (e) Waterpower; and*
- (f) Wind.*

2. *The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.*

Sec. 7. *"Renewable energy system" means:*

1. *A facility or energy system that uses renewable energy to generate electricity;*

2. *A solar thermal energy system that reduces the consumption of electricity; and*

3. *A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.*

Sec. 8. 1. *"Retail customer" means a customer who purchases electricity at retail.*

2. *The term includes, without limitation:*

(a) This state, a political subdivision of this state or an agency or instrumentality of this state or political subdivision of this state when it purchases electricity at retail; and

(b) A landlord of a mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

Sec. 9. 1. *For each provider of electric service, the commission shall establish a portfolio standard for renewable energy. The portfolio standard must require each provider to generate or acquire electricity from renewable energy systems in an amount that is:*

(a) For calendar years 2003 and 2004, not less than 5 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(b) For calendar years 2005 and 2006, not less than 7 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(c) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(d) For calendar years 2009 and 2010, not less than 11 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(e) For calendar years 2011 and 2012, not less than 13 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(f) For calendar year 2013 and for each calendar year thereafter, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate or acquire from renewable energy systems during each calendar year, not less than 10 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) If the provider acquires electricity from a renewable energy system pursuant to a contract with another party, the term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term.

3. If, for the benefit of one or more of its retail customers in this state, the provider has subsidized, in whole or in part, the acquisition or installation of a solar thermal energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar thermal energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The commission may adopt regulations that establish a system of renewable energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, during any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of renewable energy credits, the provider shall take actions to acquire electricity from renewable energy systems owned, operated or controlled by other parties. The actions taken by the provider must include making requests for proposals or taking other appropriate actions to solicit and enter into contracts with other parties. If, based upon the responses to the actions taken by the provider, the commission determines that there is not or will not be a sufficient supply of electricity from such renewable energy systems made available to the provider during a calendar year, the commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the commission.

Sec. 10. 1. Each provider of electric service shall submit to the commission an annual report that provides information relating to the actions taken by the provider to comply with its portfolio standard.

2. Each provider shall submit the annual report to the commission after the end of each calendar year and within the time prescribed by the

commission. The report must be submitted in a format approved by the commission.

3. The commission may adopt regulations that require providers to submit to the commission additional reports during each calendar year.

4. Each annual report and each additional report must include clear and concise information that sets forth:

(a) The amount of electricity which the provider generated or acquired from renewable energy systems during the reporting period and, if applicable, the amount of renewable energy credits that the provider acquired, sold or traded during the reporting period to comply with its portfolio standard;

(b) The capacity of each renewable energy system owned, operated or controlled by the provider, the total amount of electricity generated by each such system during the reporting period and the percentage of that total amount which was generated directly from renewable energy;

(c) Whether, during the reporting period, the provider began construction on, acquired or placed into operation any renewable energy system and, if so, the date of any such event; and

(d) Any other information that the commission by regulation may deem relevant.

Sec. 11. "Renewable energy" has the meaning ascribed to it in section 6 of this act.

Sec. 12. NRS 704.743 is hereby amended to read as follows:

704.743 1. A utility which supplies electricity in this state may apply to the commission for authority to charge, as part of a program of optional pricing, a higher rate for electricity that is ~~[derived]~~ generated from renewable energy . ~~[resources.]~~

2. The program ~~[must]~~ may provide the customers of the utility with the option of paying a higher rate for electricity to support the increased use by the utility of renewable energy ~~[resources]~~ in the ~~[production]~~ generation of electricity.

3. As used in this section ~~[, "renewable energy resources" means resources from which electricity is produced, but which are not consumed or combusted and are] :~~

(a) "Biomass" has the meaning ascribed to it in section 3 of this act.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated ~~[,]~~ naturally, including, without limitation:

~~[(a)]~~ (1) Wind;

~~[(b)]~~ (2) Solar energy; ~~[and]~~

~~[(c)]~~ (3) Geothermal energy ~~[,]~~ ;

(4) Biomass;

(5) Hydrogen; and

(6) Waterpower.

The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 13. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS ~~[704.767]~~ 704.766 to 704.775, inclusive, unless the context otherwise requires, the words and terms defined in NRS 704.768 to 704.772, inclusive, *and section 11 of this act* have the meanings ascribed to them in those sections.

Sec. 14. NRS 704.771 is hereby amended to read as follows:

704.771 “Net metering system” means a facility *or energy system* for the ~~[production of electrical energy]~~ *generation of electricity* that:

1. Uses ~~[wind or solar]~~ *renewable* energy as its primary source of ~~[fuel]~~;
2. ~~Has a generating capacity of not more than 10 kilowatts;~~
3. ~~energy to generate electricity;~~
2. Is located on the customer-generator’s premises;
- ~~[4.]~~ 3. Operates in parallel with the utility’s transmission and distribution facilities; and
- ~~[5.]~~ 4. Is intended primarily to offset part or all of the customer-generator’s requirements for electricity.

Sec. 15. NRS 231.064 is hereby amended to read as follows:

231.064 In addition to its other duties, the commission on economic development shall:

1. Investigate and study conditions affecting Nevada business, industry and commerce, and engage in technical studies, scientific investigations, statistical research and educational activities necessary or useful for the proper execution of the function of the division *of economic development* in promoting and developing Nevada business, industry and commerce, both within and outside the state.

2. Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state and designed to develop new products and industrial processes.

3. Serve as a center of public information for the State of Nevada by answering general inquiries concerning the resources and economic, residential and recreational advantages of this state and by furnishing information and data on these and related subjects.

4. Prepare and publish pamphlets and other descriptive material designed to promote industrial development in Nevada, including a regularly revised industrial directory for the state.

5. Plan and develop an effective service for business information, both for the direct assistance of business and industry of the state and for the encouragement of business and industry outside the state to use economic facilities within the state, including readily accessible information on state and local taxes, local zoning regulations and environmental standards, the availability and cost of real estate, labor, energy, transportation and occupational education and related subjects.

6. *To the extent practicable, serve as a center of information concerning electric generating plants and facilities that a utility or other entity proposes to construct or locate in this state, and disseminate that information to*

counties whose population is less than 40,000 and to cities in those counties. Information provided pursuant to this subsection must include, to the extent that the commission is able to obtain such information from the utility or other entity:

(a) The size and scope of the proposed electric generating plant or facility and any needs that must be addressed with respect to the proposed plant or facility, including, without limitation, proximity to water, proximity to lines for the transmission of electricity and other geographical considerations;

(b) Characteristics that the utility or other entity has determined to be necessary or desirable with respect to any site where the proposed plant or facility will be located;

(c) Potential sites, if any, that the utility or other entity has identified as likely to be suitable for the proposed plant or facility; and

(d) Any other factors considered relevant by the utility or other entity in determining the site on which the proposed plant or facility will be constructed or located.

Sec. 16. NRS 338.190 is hereby amended to read as follows:

338.190 1. Before it begins to construct or renovate any public building which is larger than ~~[20,000]~~ 6,000 square feet, each agency of the state or a political subdivision, district, authority, board or public corporation of the state shall obtain a detailed analysis of the cost of operating and maintaining the building for its expected useful life.

2. The analysis must ~~[identify]~~ :

(a) Identify the measures for:

~~[(a)]~~ (1) Conservation of energy; ~~[and]~~

~~[(b)]~~ (2) Cogeneration; and

(3) Use of types of energy ~~[which]~~, other than nuclear energy, that are alternatives to fossil fuels, ~~[such as]~~ including, without limitation, biomass, hydrogen, waterpower, active and passive applications of solar energy, wind and geothermal energy, which ~~[can]~~ could feasibly be included in the building in its construction or renovation.

(b) For each measure that is identified pursuant to paragraph (a), include an estimate of the time required before any savings in energy expected to be realized from including the measure in the construction or renovation of the building will offset the cost of including the measure in the construction or renovation of the building.

3. The agency of government which proposes to build or renovate ~~[a building must]~~ the building shall consider the results of the analysis required by this section in deciding upon the type of construction and the components and systems, if any, which will be included in the building.

4. This section applies to any public building or renovation of a public building, the designing of which begins on or after July 1, ~~[1981]~~ 2001.

5. As used in this section, "cogeneration" means the combined generation by a facility or energy system of:

- (a) *Electrical or mechanical power; and*
- (b) *Steam or other forms of energy, including, without limitation, heat, that are used for commercial or industrial purposes or for purposes of heating or cooling.*

Sec. 17. NRS 361.0785 is hereby amended to read as follows:

361.0785 1. Except as otherwise provided in this section, all property, both real and personal, is exempt from taxation as set forth in this section to the extent that the property is used as a facility *or energy system* for the ~~[production of electrical energy from solar]~~ *generation of electricity from renewable energy.*

2. Personal property exempted pursuant to subsection 1 may not receive an exemption for more than 10 consecutive years.

3. Real property exempted pursuant to subsection 1 may not receive an exemption for more than 20 consecutive years.

4. The provisions of this section do not apply to:

- (a) Residential property; and
- (b) Property that is used as a facility *or energy system* for the ~~[production of electrical energy from solar]~~ *generation of electricity from renewable energy* before July 1, ~~[1997.]~~ 2001.

5. As used in this section ~~[, “facility”]~~ :

(a) *“Facility or energy system for the ~~[production of electrical energy from solar]~~ generation of electricity from renewable energy” means a facility ~~[which uses solar]~~ or energy system that uses renewable energy as its primary ~~[fuel in the production of]~~ source of energy to generate electricity. The term includes all the equipment in the facility and all the components of the energy system that are used to collect ~~[,]~~ and store the renewable energy and to convert the renewable energy into electricity . ~~[the energy derived from solar energy.]~~*

(b) *“Renewable energy” has the meaning ascribed to it in section 6 of this act.*

Sec. 18. NRS 704.989 is hereby repealed.

Sec. 19. This act becomes effective on July 1, 2001.

TEXT OF REPEALED SECTION

704.989 Renewable energy resources: Portfolio standards; report; exceptions.

1. The commission shall establish portfolio standards for domestic energy that set forth the minimum percentage of the total amount of electricity sold by an electric utility to its retail customers in this state during each calendar year that must be derived from renewable energy resources. The portfolio standards must:

(a) On January 1, 2001, be set at two-tenths of 1 percent of the total amount of electricity sold by the electric utility to its retail customers in this state during the immediately preceding calendar year.

(b) On January 1 of each successive odd-numbered year, be increased by two-tenths of 1 percent of the total amount of electricity sold by the electric utility to its retail customers in this state during the immediately preceding calendar year until the portfolio standards reach a total of 1 percent of the total amount of electricity sold by the electric utility to its retail customers in this state during the immediately preceding calendar year.

(c) Be derived from not less than 50 percent renewable energy resources.

(d) Be derived from not less than 50 percent solar renewable energy systems.

(e) Be based on renewable energy credits, if applicable.

2. Each electric utility shall comply with the portfolio standards established by the commission pursuant to this section. At the end of each calendar year, each electric utility shall submit a report, in a format approved by the commission, of the quantity of renewable energy and credits, if applicable, that the electric utility generated, purchased, sold and traded to meet the portfolio standards.

3. In establishing the portfolio standards pursuant to this section, the commission may establish a system of credits pursuant to which an electric utility may comply with the provisions of this section. A system of credits must provide that:

(a) Credits are issued for renewable energy resources for each kilowatt hour of energy which it produces; and

(b) Holders of credits may trade or sell the credits to other parties.

4. For the purposes of this section, if, on January 1, 1997, at least 9 percent of the total amount of electricity sold by an electric utility to its retail customers in this state during the immediately preceding calendar year was derived from renewable energy resources, the electric utility shall be deemed to be in compliance until January 1, 2005, with the portfolio standards established by the commission pursuant to this section. Between January 1, 2005, and December 31, 2009, such an electric utility shall have one-half of 1 percent of the total amount of electricity sold to its retail customers in this state, increased in annual increments of one-tenth of 1 percent during each calendar year of that period, derived from solar energy resources for full compliance with the portfolio standards established by the commission pursuant to this section.

5. In addition to the report required by subsection 2, each electric utility shall submit a report, in a format approved by the commission, that provides information relating to the compliance by the electric utility with the requirements of this section. Such reports must be made at least annually, unless the commission by regulation determines that such reports must be made more frequently than annually, and must include clear and concise information that sets forth:

(a) If the electric utility installed a renewable energy system during the period for which the report is being made, the date of installation;

(b) The capacity of renewable energy systems of the electric utility;

(c) The amount of production of energy from the renewable energy systems;

(d) The portion of the production of energy that is directly derived from renewable energy resources;

(e) The quantity of energy from renewable energy systems that is transmitted or distributed, or both, to retail customers in this state by the electric utility; and

(f) Such other information that the commission by regulation may deem relevant.

6. The provisions of this section do not apply to:

(a) Rural electric cooperatives established pursuant to chapter 81 of NRS;

(b) General improvement districts established pursuant to chapter 318 of NRS; or

(c) Utilities established pursuant to chapter 709 or 710 of NRS.

7. As used in this section:

(a) “Electric utility” has the meaning ascribed to it in section 19 of this act.

(b) “Renewable energy resources” means wind, solar, geothermal and biomass energy resources that are naturally regenerated.

(c) “Renewable energy system” means an energy system that utilizes renewable energy resources to produce electricity or solar thermal energy systems that reduce the consumption of electricity that was installed and commenced operations after July 1, 1997.”.

Amend the title of the bill to read as follows:

“AN ACT relating to energy; revising and clarifying provisions requiring certain providers of electric service to comply with a portfolio standard for renewable energy; revising provisions relating to net metering; requiring the commission on economic development to disseminate to smaller counties certain information regarding electric generating plants and facilities that a utility or other entity proposes to construct or locate in this state; revising provisions concerning the analysis performed on certain public buildings to identify measures for the conservation of energy and the use of alternative sources of energy; expanding the property tax exemption for certain facilities that generate electricity from solar energy to include certain facilities or energy systems that generate electricity from other renewable sources of energy; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions concerning conservation of energy and use of renewable energy. (BDR 58-1198)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 418 be placed on the Chief Clerk's desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Robert L. Shirey and Patricia A. Shirey.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Hester Williams, Vinnie Lowry, Whitney Willie, Dylan Johnson, Kyle Johnson, Daniel Savage, Bobby Sanchez, Eric Dixon, Jonnah McKinney, Angela Hernandez, Marie Reedy and Emma Powell.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 24, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:36 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 24, 2001

Assembly called to order at 10:46 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Luther Dupree.

Father God, in the name of Jesus Christ of Nazareth we pray. We pray now, God, that you would look on us as we come together in this Assembly for the 71st Assembly Legislative Session. We ask that You would bless, guide, and lead us in the precious name of Jesus. For Your Word says trust in the Lord with all thine heart and lean not unto thine own understanding. In all of our ways acknowledge You, and You shall direct our path. You instruct us further to be not wise in our own conceit or in our own eyes, but fear the Lord and depart from evil for it shall be health to our navel and marrow to our bones. We ask You to bless everyone who is represented here, the children that have come from schools around the area. We pray that You would bless and give us legislative laws that will better our children and the school classes where they sit, where now they are dodging guns and weapons of war in the classroom setting. Give us laws to legislate better situations for them, that they might grow up in the knowledge and wisdom of God. For You said, "Blessed is the man that walketh not in the counsel of the godly, nor standeth in the way of sinners, nor sit in the seat of the scornful. But our delight is in Your law, and in Your law do we meditate day and night." You further state, "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God." But as Amos said, "We pray God that You would let judgment, or righteousness, or justice run down like water, and righteousness as a mighty stream." Lord, these blessings we ask in thy precious name. Thank God.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 207, 375, 491, 552, 622, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 19, 179, 458, 462, 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 571, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 248, 254, 296, 331, 466, 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 630, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 328 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Buckley moved that the reading of the history of Senate Bills on Introduction be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that the reading of the history of Assembly Bills on the General File be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 19, 130, 179, 195, 198, 248, 253, 254, 271, 296, 331, 364, 391, 402, 403, 405, 419, 429, 455, 458, 462, 466, 468, 488, 537, 571, 578, 630 and Assembly Joint Resolution No. 13 placed on the Second Reading File.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 314 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 407 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 41, 223.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 2, 28.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by: Select Committee on Energy.

For: Assembly Bill No. 661.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 71st day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day)

With the following Conditions:

May only be passed out of final committee of house of origin on or before May 07, 2001.

May only be passed out of house of origin on or before April 23, 2001.

Has been granted effective: April 20, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 28.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 31 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 397.

Amend sec. 6, page 8, lines 16 and 17, by deleting:

“in the budget and expenditure programs of the department;” and inserting:
“relating to the state distributive school account in the state general fund;”.

Amend the bill as a whole by renumbering sections 8 through 11 as sections 11 through 14 and adding new sections designated sections 8 through 10, following sec. 7, to read as follows:

“Sec. 8. NRS 353.150 is hereby amended to read as follows:

353.150 NRS 353.150 to 353.246, inclusive, *and sections 2 to 7, inclusive, of this act*, may be cited as the State Budget Act.

Sec. 9. NRS 353.160 is hereby amended to read as follows:

353.160 The budget division of the department of administration shall administer the provisions of NRS 353.150 to 353.246, inclusive, except *sections 2 to 7, inclusive, of this act* and NRS 353.226 to 353.229, inclusive, subject to administrative supervision by the director of the department of administration.

Sec. 10. NRS 353.246 is hereby amended to read as follows:

353.246 1. Except as otherwise provided in subsection 2 of this section and subsection 6 of NRS 353.210, *and sections 2 to 7, inclusive, of this act*, the provisions of NRS 353.150 to 353.245, inclusive, do not apply to agencies, bureaus, commissions and officers of the legislative department, the public employees’ retirement system and the judicial department of the state government.

2. The legislative department, the public employees’ retirement system and the judicial department of the state government shall submit their budgets to the legislature in the same format as the proposed executive budget unless otherwise provided by the legislative commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the economic forum pursuant to NRS 353.228.”.

Amend sec. 11, page 12, line 21, by deleting:

“6 and 9” and inserting:

“6, 8, 9, 10 and 12”.

Amend sec. 11, page 12, line 25, by deleting:

“8 and 10” and inserting:

“11 and 13”.

Amend the title of the bill, first line, by deleting:

“in skeleton form”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 493.

Amend section 1, page 2, by deleting lines 38 through 41 and inserting: “employment. If ~~at~~ :

(a) *A postprobationary teacher who is an administrator is not reemployed ~~in that capacity~~ as an administrator after either year of his probationary period ~~[- he may accept]~~ ; and*

(b) *There is a position as a teacher available for the ensuing school year in the school district in which the person is employed, the board of trustees of the school district shall, on or before May 1, offer”.*

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 457.

Amend sec. 2, page 3, by deleting lines 14 and 15 and inserting:

“(b) That, on January 1, 2001, was undeveloped land and was bounded on at least 75 percent of its”.

Amend sec. 2, page 3, by deleting line 21 and inserting:

“(c) That is undeveloped land and is bounded on at least 75 percent of its aggregate external boundaries by the existing corporate boundaries of the annexing city and for which the governing body has received a written statement”.

Amend the title of the bill, second line, after “city” by inserting: “in a larger county”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing annexation of territory by certain incorporated cities. (BDR 21-475)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 112.

Amend the bill as a whole by deleting sec. 3, renumbering sections 4 through 7 as sections 8 through 11 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

“Sec. 3. NRS 427A.330 is hereby amended to read as follows:

427A.330 ~~[1.—The governor]~~ *The legislative commission shall , at its first meeting after a regular session of the legislature, appoint {21} 12 persons to the Nevada silver haired legislative forum [; of whom not more than 11 may be members of the same political party. The governor shall appoint from each senatorial district a number of members equal to the number of state senators that represent the senatorial district.] who have been nominated pursuant to this section. Each member of the legislative commission shall nominate a person who meets the requirements for appointment to the forum set forth in NRS 427A.340. Each member of the forum serves for a term of 2 years or until his successor is appointed.*

~~[2.—Appointments to the Nevada silver haired legislative forum must be made by the governor before December 1 of an odd numbered year. The term of a member begins on December 1 of the odd numbered year of appointment.~~

~~3.—The members of the Nevada silver haired legislative forum from Clark County senatorial districts 2, 3, 4, 7 and 8, Washoe County senatorial districts 1 and 3, the Capital senatorial district and the Western Nevada senatorial district serve an initial term of 1 year. The eight members of the Nevada silver haired legislative forum from the remaining senatorial districts serve an initial term of 2 years. After the initial terms, each member serves a term of 2 years.]~~

Sec. 4. NRS 427A.340 is hereby amended to read as follows:

427A.340 A member of the Nevada silver haired legislative forum must:

1. Have been a resident of this state for 5 years immediately preceding his appointment;

2. Have been a registered voter in the ~~[senatorial district that he is to represent]~~ legislative district of the legislator who nominated him for 3 years immediately preceding his appointment; and

3. Be at least 60 years of age on the day that he is appointed.

Sec. 5. NRS 427A.360 is hereby amended to read as follows:

427A.360 1. A position in the Nevada silver haired legislative forum becomes vacant upon:

(a) The death or resignation of a member.

(b) The illness of a member that prevents him from attending three consecutive meetings of the Nevada silver haired legislative forum.

(c) The absence of a member for any reason from three consecutive meetings of the Nevada silver haired legislative forum.

2. If a vacancy occurs, the ~~[governor]~~ *legislative commission* shall appoint a person to serve the remainder of the unexpired term. The ~~[governor]~~ *legislative commission* may appoint a person whose membership in the national silver haired congress has ended to fill a vacancy in the Nevada silver haired legislative forum.

Sec. 6. NRS 427A.370 is hereby amended to read as follows:

427A.370 1. The Nevada silver haired legislative forum shall elect from among its members, to serve a term of 1 year:

~~[1.]~~ (a) A president, who shall conduct meetings and oversee the formation of committees as necessary to accomplish the purposes of the Nevada silver haired legislative forum.

~~[2.]~~ (b) A vice president, who shall assist the president and conduct meetings of the Nevada silver haired legislative forum if the president is absent or otherwise unable to perform his duties.

~~[3.]~~ (c) A secretary, who shall:

~~[(a)]~~ (1) Prepare and keep a record of meetings, including, without limitation, the date, time, place and purpose of every meeting; and

~~[(b)]~~ (2) At the first meeting every year of the Nevada silver haired legislative forum, prepare a list of the dates of the meetings that are scheduled for the year.

~~[4.]~~ (d) A treasurer, who shall ~~[prepare and keep a list of the expenses of the Nevada silver haired legislative forum to be sent to the division for payment.]~~, with the assistance of the director of the legislative counsel bureau, administer any account established pursuant to section 1 of this act.

2. *The director of the legislative counsel bureau shall provide such persons as are necessary to assist the Nevada silver haired legislative forum in carrying out its duties.*

Sec. 7. NRS 427A.380 is hereby amended to read as follows:

427A.380 The Nevada silver haired legislative forum may ~~[-~~:

~~1. Meet 1 day each month during the regular session of the legislature in the legislative building in Carson City.~~

~~2. Meet and hold public hearings at least 1 day during each of the months of June, July and August during each even-numbered year.~~

~~3.]~~, *within the limits of legislative appropriations and any gifts, grants or donations received by the forum:*

1. *During the period in which the legislature is not in a regular session, hold three public hearings in three different areas of this state and may hold an additional public hearing in any area of this state to prepare the report authorized by NRS 427A.390.*

2. *Comply with chapter 241 of NRS."*

Amend sec. 4, page 2, by deleting lines 16 and 17 and inserting:

"1. Submit a report containing ~~[topics for possible]~~ *recommendations for legislative action to the legislative commission and the governor before [September] July 1 of each even-numbered year."*

Amend the bill as a whole by renumbering sec. 8 as sec. 13 and adding a new section designated sec. 12, following sec. 7, to read as follows:

“Sec. 12. The term of each member of the Nevada silver haired legislative forum who is incumbent on June 1, 2001, expires on July 1, 2001.”.

Amend sec. 8, page 2, line 43, by deleting: “on July 1, 2001.” and inserting: “upon passage and approval.”.

Amend the title of the bill, third line, after “resources;” by inserting: “requiring the legislative commission to appoint the members of the Nevada silver haired legislative forum; revising the membership of the forum;”.

Amend the summary of the bill to read as follows:
“SUMMARY—Revises provisions relating to Nevada silver haired legislative forum. (BDR 38-534)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 198.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 362.

Amend section 1, page 2, by deleting lines 1 through 9 and inserting:

“(b) The state department of conservation and natural resources to carry out the provisions of this chapter.

(c) The state department of agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) *Local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.*

(e) The Tahoe Regional Planning Agency to carry out the”.

Amend section 1, page 2, line 21, by deleting “has” and inserting “have”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 346.

Amend section 1, page 2, by deleting line 6 and inserting:

“may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of family foster care may also obtain the information set forth in subsections 1 and 2.”.

Amend sec. 2, page 2, line 13, after “efforts” by inserting:
“pursuant to NRS 432B.393”.

Amend sec. 2, page 2, by deleting lines 20 and 21 and inserting:

“(b) The plan for the child requires the agency to make reasonable efforts pursuant to NRS 432B.393 to reunify the family of the child, and the agency has not provided to the family,”.

Amend sec. 4, page 3, by deleting line 23 and inserting:

“(c) The child is ~~dead,~~ living in a household in which another child has died, or the child is”.

Amend sec. 6, page 8, between lines 5 and 6, by inserting:

“4. Except as otherwise provided in subsection 6, for the purposes of this section, unless the context otherwise requires, “reasonable efforts” have been made if an agency which provides protective services to children with legal custody of a child has exercised diligence and care in arranging appropriate and available services for the child, with the health and safety of the child as its paramount concerns. The exercise of such diligence and care includes, without limitation, obtaining necessary and appropriate information concerning the child for the purposes of NRS 127.152, 127.410 and 424.038.

5. In determining whether reasonable efforts have been made pursuant to subsection 4, the court shall:

(a) Evaluate the evidence and make findings based on whether a reasonable person would conclude that reasonable efforts were made;

(b) Consider any input from the child;

(c) Consider only the efforts made and the evidence presented since the previous finding of the court concerning reasonable efforts;

(d) Consider only the diligence and care that the agency is legally authorized and able to exercise;

(e) Recognize and take into consideration the legal obligations of the agency to comply with any applicable laws and regulations;

(f) Base its determination on the circumstances and facts concerning the particular family or plan for the permanent placement of the child at issue; and

(g) Consider whether the provisions of subsection 6 are applicable.

6. An agency which provides protective services may satisfy the requirement of making reasonable efforts pursuant to this section by taking no action concerning a child or making no effort to provide services to a child if it is reasonable, under the circumstances, to do so.”.

Amend sec. 15, page 13, by deleting line 12 and inserting:

“may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the adopting parents of the child may also obtain the information set forth in subsection 1.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 528.

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

“Sec. 24.5. 1. *A person, other than an athlete’s agent or student athlete, who causes a student athlete or an institution to violate a rule of the national collegiate athletic association to which the institution is a member, or aids in any such violation, is liable to the institution for damages as provided in subsection 2 if:*

(a) The person knew or reasonably should have known that a rule was violated or would be violated; or

(b) The violation of the rule is a contributing cause of:

(1) Disciplinary action, including loss of eligibility, taken by the institution against a student athlete; or

(2) Disciplinary action taken by the national collegiate athletic association against the institution or a student athlete.

2. *Damages that may be awarded against a person who causes a violation of a rule of a national collegiate athletic association, or aids in any such violation, include lost revenues to the institution from:*

(a) Lost contracts for televising athletic events;

(b) A decline in ticket sales;

(c) Being prohibited from participating in postseason athletic events and tournaments; and

(d) Other discernible opportunities through which the institution would have realized revenue if the rule had not been violated.

3. *If an institution prevails in an action brought pursuant to this section, it is entitled to an award of reasonable attorney’s fees and costs.”.*

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 299.

Amend section 1, page 1, line 2, by deleting: “2, 3 and 4” and inserting: “2 and 3”.

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. 1. *A minister or other person authorized to solemnize marriages pursuant to NRS 122.064 may renew a certificate of permission to perform marriages by filing a completed renewal form with the county clerk of the county where the original affidavit of authority to solemnize marriages was filed.*

2. *The county clerk shall develop by regulation the form for renewal and make the form available. The form for renewal must include the social security number of the minister or other person authorized to solemnize marriages.*

3. *If a minister or other person authorized to solemnize marriages does not file a renewal form at least 30 days before the last day that his certificate of permission is valid, the authority of the minister or other person authorized to solemnize marriages to perform marriages will expire when the certificate is no longer valid.”.*

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 4 and 5.

Amend sec. 5, page 3, by deleting line 2 and inserting:

“122.020 1. A male”.

Amend the bill as a whole by deleting sec. 7 and renumbering sec. 8 as sec. 6.

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 and 11 as sections 7 and 8.

Amend sec. 11, page 7, after “~~section 11~~” by inserting: “*A certificate of permission is valid for 5 years from the date of issuance or until the county clerk revokes the certificate or has received a written statement pursuant to NRS 122.068 that the authority of the person to solemnize marriages has been revoked by his church, denomination or religious society.*

3.”.

Amend the bill as a whole by renumbering sections 12 through 18 as sections 10 through 16 and adding a new section designated sec. 9, following sec. 11, to read as follows:

“Sec. 9. NRS 122.065 is hereby amended to read as follows:

122.065 1. An applicant for the issuance *or renewal* of a certificate of permission shall submit to the county clerk the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The county clerk shall include the statement required pursuant to subsection 1 in:

(a) The application , *renewal form* or any other forms that must be submitted for the issuance *or renewal* of the certificate of permission; or

(b) A separate form prescribed by the county clerk.

3. A certificate of permission may not be issued *or renewed* by the county clerk if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the county clerk shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.”.

Amend sec. 12, page 8, by deleting lines 15 and 16 and inserting:

“2. ~~[A certificate of permission shall be valid until the county clerk has received:]~~”.

Amend sec. 12, page 8, by deleting lines 30 and 31 and inserting “4.”.

Amend sec. 12, page 8, line 32, by deleting “3.”.

Amend sec. 12, page 8, line 41, by deleting “15” and inserting “[15] 30”.

Amend sec. 13, page 9, line 8, after “2.” by inserting: “*A church, denomination or religious society that authorized a person to solemnize marriages which revokes that authority shall submit a written statement to notify the county clerk of the county where the original affidavit of authority to solemnize marriages was filed not later than 30 days after the authority is revoked.*”.

3.”.

Amend sec. 13, page 9, line 9, by deleting “revoked,” and inserting: “revoked ~~[,]~~ pursuant to this section or has expired.”.

Amend sec. 13, page 9, by deleting lines 13 and 14 and inserting: “and shall notify each county clerk and county recorder in the state ~~[of such fact.]~~ that the certificate of permission has been revoked or has expired.”.

Amend sec. 14, page 9, line 19, by deleting “revoked,” and inserting: “revoked ~~[,]~~ by the county clerk pursuant to subsection 1 of NRS 122.068.”.

Amend sec. 15, page 9, line 26, after “issuance” by inserting “*, renewal*”.

Amend sec. 15, page 9, line 29, after “*obtain*” by inserting “*or renew*”.

Amend the bill as a whole by deleting sections 19 and 20, renumbering sec. 21 as sec. 17 and adding new sections designated sections 18 through 20, following sec. 21, to read as follows:

“Sec. 18. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. A minister or other person authorized to solemnize marriages pursuant to NRS 122.064 may renew a certificate of permission to perform marriages by filing a completed renewal form with the county clerk

of the county where the original affidavit of authority to solemnize marriages was filed.

2. The county clerk shall develop by regulation the form for renewal and make the form available. ~~[The form for renewal must include the social security number of the minister or other person authorized to solemnize marriages.]~~

3. If a minister or other person authorized to solemnize marriages does not file a renewal form at least 30 days before the last day that his certificate of permission is valid, the authority of the minister or other person authorized to solemnize marriages to perform marriages will expire when the certificate is no longer valid.

Sec. 19. Notwithstanding the provisions of this act, the certificate of permission to perform marriages of a minister or other person authorized to solemnize marriages which is 5 years or older on October 1, 2001, or which will expire within 1 year after January 1, 2002, expires 90 days after written notice has been mailed by the county clerk to the address of the certificate holder contained in the files of the county clerk unless, within that time, the certificate holder renews his certificate in the manner provided in section 3 of this act.

Sec. 20. 1. This section and sections 1 to 17, inclusive, and 19 of this act become effective on October 1, 2001.

2. Section 9 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

3. Section 18 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Amend the title of the bill to read as follows:

“AN ACT relating to marriage; authorizing a county clerk to issue a marriage license for the renewal of marriage vows; authorizing the collection of fees for those licenses; revising provisions governing the requirements for a person to obtain a certificate of permission to perform marriages; providing

for the expiration and renewal of such a certificate; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 271.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 353.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 483.725 is hereby amended to read as follows:

483.725 1. Each course of training provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, must include, without limitation, instruction in:

~~{1.}~~ (a) Motor vehicle insurance.

~~{2.}~~ (b) The effect of drugs and alcohol on an operator of a motor vehicle.

2. *If a course of training provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, consists in whole or in part of classroom instruction, that part of the course which consists of classroom instruction may be taught interactively through the use of communications technology so that persons taking the course need not be physically present in a classroom.*

3. *The department shall adopt regulations to carry out the provisions of subsection 2. The regulations must include, without limitation:*

(a) Provisions for the licensing and operation of interactive courses that use communications technology;

(b) Provisions to ensure that interactive courses which use communications technology are secure, reliable and include measures for testing and security that are at least as secure as the measures for testing and security which would be available in an ordinary classroom; and

(c) Standards to ensure that interactive courses which use communications technology offer a curriculum that is at least as stringent as the curriculum which would be available in an ordinary classroom.

4. *As used in this section, “communications technology” means any method or component, or both, that is used by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, to carry out or facilitate the transmission of information, including, without limitation, the transmission and reception of information by:*

(a) Systems based on the following technologies:

(1) Video;

(2) Wire;

- (3) Cable;
- (4) Radio;
- (5) Microwave;
- (6) Light; or
- (7) Optics; and

(b) *Computer data networks, including, without limitation, the Internet or its successor, if any, and intranet services.*”.

Amend sec. 4, page 3, line 8, by deleting: “2 and 3” and inserting: “2, 3 and 4”.

Amend the title of the bill, second line, after “schools;” by inserting: “authorizing licensed schools for training drivers to use certain interactive technologies in lieu of actual classroom instruction;”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 511.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 13, following the enacting clause, to read as follows:

“Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *“Interactive gaming” means the conduct of gambling games through the use of communications technology that allows a person outside or within an establishment, utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other instrumentality, to transmit to a computer within the establishment information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information.*

2. *As used in this section, “communications technology” means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wire, cable, radio, microwave, light, optics or computer data networks, including, without limitation, the Internet and intranets.*

Sec. 3. 1. *Except as otherwise provided in subsections 2 and 3, the commission may, with the advice and assistance of the board, adopt regulations governing the licensing and operation of interactive gaming.*

2. *The commission may not adopt regulations governing the licensing and operation of interactive gaming until the commission first determines that:*

(a) Interactive gaming can be operated in compliance with all applicable laws;

(b) Interactive gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from jurisdictions where it is lawful to make such communications; and

(c) Adoption of such regulations is consistent with the public policy of the state to foster the stability and success of gaming.

3. *The regulations adopted by the commission pursuant to this section must:*

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming; and

(2) A license for a manufacturer of interactive gaming components.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming components to supply or provide any component part of an interactive gaming system, including, without limitation, any piece of proprietary software or hardware; and

(2) A manufacturer of interactive gaming components must be specifically licensed as a manufacturer of a gaming device for interactive gaming, manufacturer of equipment associated with a gaming device for interactive gaming or manufacturer of peripheral equipment related to a gaming device for interactive gaming.

(c) Set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming components that are as stringent as the standards for a nonrestricted license.

(d) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment.

(e) Define “interactive gaming system,” “manufacturer of a gaming device for interactive gaming,” “manufacturer of equipment associated with a gaming device for interactive gaming,” “manufacturer of interactive gaming components,” “manufacturer of peripheral equipment related to a gaming device for interactive gaming” and “operate interactive gaming” as the terms are used in chapter 463 of NRS.

4. *The commission shall not approve a license for an establishment to operate interactive gaming unless:*

(a) In a county whose population is 400,000 or more, the establishment is a resort hotel.

(b) In a county whose population is more than 100,000 but less than 400,000, the establishment is a resort hotel or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) *Has more than 120 rooms available for sleeping accommodations in the same county;*

(3) *Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;*

(4) *Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and*

(5) *Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.*

(c) *In all other counties, the establishment is a resort hotel or the establishment:*

(1) *Has held a nonrestricted license for the operation of games and gaming devices for at least 10 years before the date of its application for a license to operate interactive gaming;*

(2) *Meets the definition of group 1 licensee as set forth in the regulations of the board on the date of its application for a license to operate interactive gaming; and*

(3) *Operates either:*

(I) *More than 100 rooms for sleeping accommodations in connection therewith; or*

(II) *More than 150 gaming devices in connection therewith.*

5. *It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:*

(a) *Until the commission adopts regulations pursuant to this section; and*

(b) *Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the commission pursuant to this section.*

6. *A person who violates subsection 5 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than \$50,000, or both.*

Sec. 4. *A debt incurred by a patron for play at an interactive gaming system of an establishment licensed to operate interactive gaming is valid and may be enforced by legal process.*

Sec. 5. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.0197, inclusive, and section 2 of this act, have the meanings ascribed to them in those sections.

Sec. 6. NRS 463.0172 is hereby amended to read as follows:

463.0172 “Manufacturer” means a person who:

1. *Manufactures, assembles, programs or makes modifications to a gaming device , ~~{or}~~ cashless wagering system ~~{;}~~ or interactive gaming system; or*

2. Designs, *assumes responsibility for the design of*, controls the design or assembly of, or maintains a copyright over the design of, a mechanism, electronic circuit or computer program which cannot be reasonably demonstrated to have any application other than in a gaming device, ~~{or in a}~~ cashless wagering system ~~{-}~~ *or interactive gaming system* for use or play in this state or for distribution outside of this state.

Sec. 7. NRS 463.3557 is hereby amended to read as follows:

463.3557 1. ~~{An}~~ *Except as otherwise provided in subsection 2*, an electronic transfer of money from a financial institution directly to a game or gaming device may not be made with a credit card.

2. *The provisions of subsection 1 do not apply to an interactive gaming system.*

Sec. 8. NRS 463.361 is hereby amended to read as follows:

463.361 1. Except as otherwise provided in *section 4 of this act and* NRS 463.361 to 463.366, inclusive, gaming debts that are not evidenced by a credit instrument are void and unenforceable and do not give rise to any administrative or civil cause of action.

2. A claim by a patron of a licensee for payment of a gaming debt that is not evidenced by a credit instrument may be resolved in accordance with NRS 463.362 to 463.366, inclusive:

(a) By the board; or

(b) If the claim is for less than \$500, by a hearing examiner designated by the board.

Sec. 9. NRS 463.482 is hereby amended to read as follows:

463.482 As used in NRS 463.160 to 463.170, inclusive, *and section 3 of this act*, 463.368, 463.386 and 463.482 to 463.645, inclusive, unless the context otherwise requires, the words and terms defined in NRS 463.4825 to 463.488, inclusive, have the meanings ascribed to them in those sections.

Sec. 10. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 5, inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, ~~{or}~~ cashless wagering system *or interactive gaming system* for use or play in Nevada or for distribution outside of Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the board, dispose of by sale in a manner approved by the board, any or all of its gaming devices, including slot machines, and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or

foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The commission may, by regulation, authorize a person who owns gaming devices for home use in accordance with NRS 463.160 to sell such devices without procuring a license therefor.

5. Upon approval by the board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the commission on postsecondary education,

may be disposed of by sale, in a manner approved by the board, without a distributor's license. An application for approval must be submitted to the board in the manner prescribed by the chairman.

6. ~~[Any]~~ *Except as is otherwise required for the licensure of a manufacturer of interactive gaming components, any* person whom the commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may be issued a manufacturer's or distributor's license. The burden of proving his qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.

7. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the commission.

8. The commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the commission determines that the exemption is consistent with the purposes of this chapter.

9. As used in this section, "holding company" has the meaning ascribed to it in NRS 463.485.

Sec. 11. NRS 463.670 is hereby amended to read as follows:

463.670 1. The legislature finds and declares as facts:

(a) That the inspection of gaming devices, associated equipment , ~~[and]~~ cashless wagering systems *and interactive gaming systems* is essential to carry out the provisions of this chapter; and

(b) That inspection of gaming devices, associated equipment , ~~[and]~~ cashless wagering systems *and interactive gaming systems* is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

2. The board may inspect every gaming device which is manufactured, sold or distributed:

(a) For use in this state, before the gaming device is put into play.

(b) In this state for use outside this state, before the gaming device is shipped out of this state.

3. The board may inspect every gaming device which is offered for play within this state by a licensee.

4. The board may inspect all associated equipment , ~~and~~ every cashless wagering system *and every interactive gaming system* which is manufactured, sold or distributed for use in this state before the equipment or system is installed or used by a licensee and at any time while the licensee is using the equipment or system.

5. In addition to all other fees and charges imposed by this chapter, the board may determine, charge and collect an inspection fee from each manufacturer, seller or distributor which must not exceed the actual cost of inspection and investigation.

Sec. 12. The amendatory provisions of this act do not apply to offenses committed before the effective date of this act.

Sec. 13. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to gaming; authorizing the Nevada gaming commission to adopt regulations governing the licensing and operation of interactive gaming if the commission first makes certain determinations; providing that a license to operate interactive gaming may be issued only to resort hotels or certain other establishments holding nonrestricted licenses; providing that gross revenue received from interactive gaming is subject to taxation in the same manner as gross revenue received from other games; prohibiting a person from operating interactive gaming until the commission adopts regulations and unless the person procures and maintains all licenses required pursuant to the regulations; providing for the enforceability of gaming debts incurred pursuant to an interactive gaming system; providing for the licensure and regulation of manufacturers of interactive gaming components; revising the definition of “manufacturer” for the purposes of the Nevada Gaming Control Act; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 503.

Amend section 1, page 1, by deleting lines 14 and 15 and inserting: “NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and”.

Amend section 1, page 2, between lines 6 and 7, by inserting:

“4. *As used in this section:*

(a) *“Information relating to sexual offenses” means information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to a sexual offense.*

(b) *“Sexual offense” has the meaning ascribed to it in NRS 179A.073.”.*

Amend sec. 2, page 2, by deleting line 19 and inserting: “to ~~{sexual offenses and other}~~”.

Amend sec. 2, page 2, by deleting lines 40 and 41 and inserting:

“(1) ~~{Sexual offenses and other records}~~ Records of criminal history; and”.

Amend sec. 3, page 5, by deleting lines 20 and 21 and inserting: “and dissemination of information relating to ~~{sexual offenses and other}~~ records of criminal history ~~{-}~~ and information disseminated pursuant to NRS 179A.180 to 179A.240, inclusive.”.

Amend sec. 4, pages 5 and 6, by deleting lines 46 through 48 on page 5 and lines 1 through 3 on page 6, and inserting:

“4. ~~{The central repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of the information.~~

5.} Records of criminal history must be disseminated by an agency of”.

Amend sec. 4, page 6, by deleting line 37 and inserting:

“(m) Prospective or current employers of prospective or current employees or volunteers if the person who is the subject of the”.

Amend sec. 4, page 7, lines 6 and 7, by deleting “~~safety.~~” and inserting: “~~safety.~~

6.} 5.”.

Amend sec. 5, page 7, by deleting lines 12 through 14 and inserting:

“179A.110 No person who receives information relating to ~~{sexual offenses or other}~~ records of criminal history pursuant to this chapter or who receives information pursuant to NRS 179A.180 to 179A.240, inclusive, may disseminate it further without”.

Amend sec. 6, page 7, by deleting lines 21 and 22 and inserting: “disseminates information relating to ~~{sexual offenses or other}~~ records of criminal history must”.

Amend sec. 6, page 7, by deleting line 28 and inserting: “to ~~{sexual offenses or other}~~”.

Amend sec. 7, page 7, by deleting lines 34 through 37 and inserting:

“179A.140 1. ~~{An}~~ Except as otherwise provided in this subsection, an agency of criminal justice may charge a reasonable fee for information relating to ~~{sexual offenses or other}~~ records of criminal history ~~{furnished}~~ provided to any person or governmental entity . ~~{except}~~ An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice ~~{and}~~ if the information is provided for

purposes of the administration of criminal justice, or for providing such information to the state.”

Amend sec. 7, page 7, line 41, by deleting “furnished” and inserting “[~~furnished~~] provided”.

Amend sec. 8, pages 7 and 8, by deleting line 49 on page 7 and line 1 on page 8, and inserting: “may be the subject of information relating to [~~sexual offenses or other~~] records of criminal history”.

Amend sec. 8, page 8, by deleting lines 6 through 8 and inserting: “include any information other than [~~that defined as information relating to sexual offenses or~~] information contained in a record of criminal history.”.

Amend sec. 8, page 8, by deleting line 11 and inserting: “[~~sexual offenses or other~~] records of criminal”.

Amend sec. 8, page 8, by deleting line 25 and inserting: “to [~~sexual offenses or other~~]”.

Amend sec. 8, page 8, by deleting lines 28 and 29 and inserting:

“(b) The correction of any information relating to [~~sexual offenses or other record~~] records of criminal history”.

Amend sec. 8, page 8, by deleting lines 36 and 37 and inserting: “insufficient information relating to [~~sexual offenses or other~~] records of criminal history must be”.

Amend sec. 10, page 9, by deleting line 30 and inserting:

“(a) A sexual offense;”.

Amend sec. 15, page 14, by deleting lines 5 through 14 and inserting:

“6. The following facts must not be considered as evidence of negligence or causation in any civil action brought against a nonprofit agency:

(a) The fact that the nonprofit agency did not apply for a grant of money from the account.

(b) The fact that the nonprofit agency did not request that the central repository, through the use of the account, determine whether a volunteer or prospective volunteer of the nonprofit agency has committed [~~a sexual offense~~] *an offense listed in subsection 4 of NRS 179A.190.*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 527.

Amend section 1, page 1, line 6, by deleting “August 1” and inserting “April 15”.

Amend section 1, page 2, line 23, by deleting “were eligible” and inserting: “participated in the program”.

Amend section 1, page 2, by deleting lines 44 and 45.

Amend section 1, page 2, line 46, by deleting “(o)” and inserting “(n)”.

Amend section 1, page 3, line 1, by deleting “(p)” and inserting “(o)”.

Amend section 1, page 3, line 3, by deleting “(q)” and inserting “(p)”.

Amend section 1, page 3, by deleting lines 6 through 9.

Amend section 1, page 3, line 10, by deleting “*August 1*” and inserting “*April 15*”.

Amend section 1, page 3, line 13, by deleting “*September 1*” and inserting “*June 15*”.

Amend sec. 3, page 3, line 31, after “2002.” by inserting: “The first reports must be made on or before April 15 and June 15, 2003, for the 2001-2002 school year.”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 437.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 through 9 as sections 1 through 6.

Amend sec. 4, page 3, line 41, by deleting: “*and sections 2 and 3 of this act,*”.

Amend sec. 5, page 3, lines 46 and 47, by deleting: “*and sections 2 and 3 of this act,*”.

Amend sec. 5, page 4, by deleting line 3 and inserting: “*of Land Management, except lands:*”.

Amend sec. 8, page 5, by deleting lines 12 and 13 and inserting: “*or defend such an action, the district attorney of the county in which the public lands are located may do so to protect the interests of the county or the residents of the county in those public lands.*”.

Amend sec. 9, page 5, by deleting lines 44 and 45 and inserting: “*controlled by the Bureau of Land Management, except lands:*”.

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 7.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to public lands; authorizing a board of county commissioners to adopt certain ordinances”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing public lands. (BDR 26-1455)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 464.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

“1. The board of county commissioners of a county whose population is less than 20,000 may adopt an ordinance allowing one or more natural persons to designate as a family cemetery an area of land owned by any of those persons for the interment in that area without charge of any member of the family of any of them or any other person.

2. Before the first interment in a family cemetery designated in accordance with an ordinance adopted pursuant to subsection 1, a member of the”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 3 through 6 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 451.069 is hereby amended to read as follows:

451.069 As used in NRS 451.070 to ~~[451.340.]~~ 451.330, inclusive, “cemetery authority” means any natural person, partnership, association, corporation or public entity, including the University and Community College System of Nevada or any cemetery district, owning or leasing the land or other property of a cemetery or operating a cemetery as a business in this state.”.

Amend sec. 3, page 2, by deleting lines 10 through 15 and inserting: “time of not less than 1 year ~~[in]~~ after which the ~~[removal of remains may be made by the cemetery authority, or by the owners or holders of interment spaces, or by the relatives or friends of those whose remains are interred in the cemetery, and may also provide that if the remains are not removed within the period fixed, the city will itself]~~ cemetery authority may proceed to remove the remains and”.

Amend sec. 4, page 2, by deleting lines 25 through 28 and inserting:

“once a week for ~~[2 successive months.]~~ 4 consecutive weeks.

2. The notice must specify the period after which the cemetery authority may remove the remains.”.

Amend the bill as a whole by renumbering sec. 6 as sec. 10 and adding new sections designated sections 7 through 9, following sec. 5, to read as follows:

“Sec. 7. NRS 451.280 is hereby amended to read as follows:

451.280 Whenever human remains have been ordered removed under the provisions of NRS 451.069 to ~~[451.340,]~~ 451.330, inclusive, and the cemetery authority has made and published notice of ~~[intention]~~ *the determination* to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged or otherwise encumbered as security for any loan or loans made to the cemetery authority.

Sec. 8. NRS 451.310 is hereby amended to read as follows:

451.310 If, ~~[prior to the adoption of an ordinance pursuant to the provisions of NRS 451.069 to 451.340, inclusive,]~~ *before receiving notice of any determination made by a governmental authority pursuant to NRS 451.070*, any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the district court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

Sec. 9. NRS 451.330 is hereby amended to read as follows:

451.330 After all remains have been removed from a cemetery in accordance with the provisions of NRS 451.069 to ~~[451.340,]~~ 451.330, inclusive, the dedication may be removed from all or any part of such cemetery lands by an order and decree of the district court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

1. That all bodies have been removed, or that no interments were made; and

2. That the property is no longer used or required for interment.”.

Amend sec. 6, page 2, by deleting line 37 and inserting:

“Sec. 10. NRS 451.090, 451.100, 451.120, 451.200, 451.210, 451.220, 451.230, 451.240 and 451.250 are hereby repealed.”.

Amend the bill as a whole by deleting the text of repealed sections and adding the leadlines of repealed sections to read as follows:

“

LEADLINES OF REPEALED SECTIONS

451.090 Authority for declaration of intention by cemetery authority; procedure for declaration by cemetery corporation or association.

451.100 Declaration of intention by cemetery authority: Contents.

451.120 Declaration of intention by cemetery authority: Title and contents of notice.

451.200 Right of relative or friend to remove remains.

451.210 Delivery of affidavit to cemetery authority; consent of heirs; effect of affidavit and consent.

451.220 Persons entitled to remove without filing of consent.

451.230 Heir of grantee of plot entitled to remove without filing of consent; affidavit of heir as evidence of transfer.

451.240 Removal of improvements by relative or friend; authority to permit removal.

451.250 Removal of improvements by cemetery authority.”.

Amend the title of the bill to read as follows:

“AN ACT relating to cemeteries; authorizing the adoption of ordinances in certain counties allowing the designation of family cemeteries; revising the authority and procedure for ordering the disinterment and removal of human remains; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes adoption of ordinances in certain counties for designation of family cemeteries and authorizes cemetery authorities to order disinterment and removal of human remains. (BDR 40-1192)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 439.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting “Director:”.

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. The money appropriated by section 1 of this act must be used for the planning and implementation of projects to:

1. Restore and stabilize the channel of the Walker River between the Wabuska Gage and Walker Lake;

2. Control or eradicate Tamarisk stands along the Walker River near Walker Lake; and

3. Expand cloud seeding activities within the Walker River Basin, to increase the inflow of water to Walker Lake.”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 495.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Nevada Legislature declares that:

(a) It is essential to the educational success of the children who are enrolled in Nevada’s public schools that they learn to read with proficiency at an early grade level;

(b) The acquisition of reading and literacy grants provided through the Reading Excellence Act, 20 U.S.C. §§ 6661 et seq., would greatly enhance the ability of this state to increase the reading proficiency of Nevada’s school children;

(c) The intended goal of the Nevada Legislature is to increase the reading proficiency of Nevada’s school children at an early grade level and to establish the optimal conditions for the receipt of reading and literacy grants provided through the Reading Excellence Act;

(d) In furtherance of its intended goal, the Nevada Legislature hereby states that it is in support of:

(1) The establishment of a plan pursuant to which the Governor and the Department of Education will establish a reading and literacy partnership in accordance with the requirements of 20 U.S.C. § 6661b(d) to ensure that all applications and proposals for reading and literacy grants provided through the Reading Excellence Act are presented in such a manner as to produce an outcome resulting in the maximum financial and educational benefit for this state;

(2) The availability and delivery of professional development activities for the teachers who are employed in this state that are:

(I) Related to providing instruction in reading;

(II) Based upon scientifically based reading research; and

(III) Founded on a balanced approach to providing instruction in reading that prepares teachers in the major components of reading, including, without limitation, phonemic awareness, systematic phonics, spelling, vocabulary, fluency, reading comprehension and writing;

(3) The use of technology, as appropriate, to enhance the professional development activities described in subparagraph (2);

(4) The participation of parents and legal guardians in activities related to reading and literacy in a manner that will enhance the ability of their children to learn;

(5) The provision of family literacy services that are based upon programs such as the Even Start Family Literacy Program; and

(6) The development of mechanisms to assess and evaluate, on a regular basis, the progress made by the school districts in this state in enhancing the reading proficiency of Nevada’s school children at an early grade level.

2. As used in this section:

(a) “Reading” has the meaning ascribed to it in 20 U.S.C. § 6661a(4).

(b) “Scientifically based reading research” has the meaning ascribed to in 20 U.S.C. § 6661a(5).

Sec. 2. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; expressing the sense of the Nevada Legislature regarding available methods to improve the reading proficiency of Nevada’s school children at an early grade level; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Expresses sense of Nevada Legislature regarding reading proficiency of Nevada’s school children. (BDR 34-652)”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 440.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 574.010 is hereby amended to read as follows:

574.010 Any three or more citizens of the State of Nevada who incorporate as a body corporate under the general laws for corporations in this state ~~[(t) set forth in chapter 78 of NRS (t)]~~ for the purpose of preventing cruelty to animals ~~[(t) may ,~~ *except as otherwise provided in NRS 574.040,* avail themselves of the privileges and benefits of NRS 574.010 to 574.040, inclusive.

Sec. 2. NRS 574.040 is hereby amended to read as follows:

574.040 1. Except as otherwise provided in *this subsection and NRS 574.350, ~~all members, agents and all local and district officers of each of the societies~~ a member, agent or local or district officer of a society* so incorporating, ~~as shall~~ *if authorized in writing* by the trustees of the ~~[societies be authorized in writing,] society,~~ approved by the district judge of the county, and sworn in the same manner as peace officers are sworn, may make arrests for ~~the~~ a violation of the provisions of this chapter in the same manner as is provided for other officers. *The provisions of this subsection apply only to a society that, on the date the society submits an application to the district judge for approval for a member, agent or local or district officer of the society to make arrests pursuant to this subsection:*

(a) *Has at least 25 members; and*

(b) *Has been incorporated in accordance with NRS 574.010 for not less than 5 years immediately preceding the submission of the application.*

2. ~~[All such members]~~ *A member, agent or local or district officer who is authorized to make arrests pursuant to subsection 1 shall, when making [such] those arrests, exhibit and expose a suitable badge, to be adopted by the society.*

3. ~~[All persons resisting]~~ *A person who resists such a specially appointed [officers, as such,] officer shall be punished for that resistance in the same manner as is provided for the punishment of resistance to other officers.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to arrests; revising the provisions governing the authority of members, agents or local or district officers of certain societies for the prevention of cruelty to animals to make arrests; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing authority of members, agents or local or district officers of certain societies for prevention of cruelty to animals to make arrests. (BDR 50-1279)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 505.

Amend section 1, page 1, line 2, by deleting: “2 and 3” and inserting: “2, 3 and 4”.

Amend the bill as a whole by renumbering sections 2 through 6 as sections 3 through 7 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. *A child who is the subject of a proceeding held pursuant to this chapter has standing to appear before the court, master or special master with jurisdiction over the proceeding and to speak concerning a determination or decision which is involved in the proceeding and which may affect the child.*

2. *If a child who is the subject of a proceeding held pursuant to this chapter is represented by an attorney, the attorney is a party to any proceeding held pursuant to this chapter that may affect the child.”.*

Amend sec. 2, page 1, line 5, after “to” by inserting: “432B.465, inclusive, and 432B.500 to”.

Amend sec. 4, page 3, line 1, by deleting: “2 and 3” and inserting: “3 and 4”.

Amend sec. 5, page 3, line 16, by deleting “2” and inserting “3”.

Amend sec. 6, page 3, line 20, by deleting “2” and inserting “3”.

Amend the bill as a whole by deleting sec. 7.

Amend sec. 8, page 5, line 36, by deleting “2” and inserting “3”.

Amend sec. 9, page 6, line 9, by deleting “2” and inserting “3”.

Amend sec. 9, page 6, by deleting line 11 and inserting: “semiannually ~~[-]~~, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian”.

Amend sec. 10, page 7, line 2, by deleting “the ~~[-semiannual]~~” and inserting: “~~[-the semiannual]~~ a”.

Amend sec. 11, page 7, line 8, by deleting “2” and inserting “3”.

Amend sec. 12, page 10, line 3, by deleting “3” and inserting “4”.

Amend the bill as a whole by renumbering sec. 13 as sec. 16 and adding new sections designated sections 13 through 15, following sec. 12, to read as follows:

“Sec. 13. Chapter 128 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A child who is the subject of a proceeding for terminating parental rights, or any rehearing or appeal thereon, has standing to appear before a court with jurisdiction over the proceeding and to speak concerning a determination or decision which is involved in the proceeding and which may affect the child.*

2. *If a child who is the subject of a proceeding for terminating parental rights, or any rehearing or appeal thereon, is represented by an attorney, the attorney is a party to any proceeding, or any rehearing or appeal thereon, that may affect the child.*

Sec. 14. NRS 128.090 is hereby amended to read as follows:

128.090 1. At the time stated in the notice, or at the earliest time thereafter to which the hearing may be postponed, the court shall proceed to hear the petition.

2. The proceedings are civil in nature and, *except as otherwise provided in section 13 of this act*, are governed by the Nevada Rules of Civil Procedure. The court shall in all cases require the petitioner to establish the facts by clear and convincing evidence and shall give full and careful consideration to all of the evidence presented, with regard to the rights and claims of the parent of the child and to any and all ties of blood or affection, but with a dominant purpose of serving the best interests of the child.

3. Information contained in a report filed pursuant to NRS 432.100 to 432.130, inclusive, or chapter 432B of NRS may not be excluded from the proceeding by the invoking of any privilege.

4. In the event of postponement, all persons served, who are not present or represented in court at the time of the postponement, must be notified thereof in the manner provided by the Nevada Rules of Civil Procedure.

5. ~~[-Any]~~ *Except as otherwise provided in section 13 of this act*, any hearing held pursuant to this section must be held in closed court without admittance of any person other than those necessary to the action or

proceeding, unless the court determines that holding such a hearing in open court will not be detrimental to the child.

Sec. 15. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A minor ward or proposed minor ward who is the subject of a proceeding held pursuant to this chapter has standing to appear before the court or special master with jurisdiction over the proceeding and to speak concerning a determination or decision which is involved in the proceeding and which may affect the minor.*

2. *If a minor ward or proposed minor ward who is the subject of a proceeding held pursuant to this chapter is represented by an attorney, the attorney is a party to any proceeding held pursuant to this chapter that may affect the minor.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to the protection of children; providing that a child has standing to appear in certain proceedings that involve the child and that his attorney is a party to the proceedings; requiring each person who submits a report or information to a court for consideration in certain proceedings concerning protective services for a child to provide a copy of the report or information to the parent or guardian of the child or the attorney of the parent or guardian within a certain time before the proceeding; providing that such a proceeding may be continued under certain circumstances; providing that the parent or guardian or the attorney of the parent or guardian is entitled to receive a copy of the recording or transcript of such a proceeding under certain circumstances; reducing the period within which the placement of a child with a person other than his parent must be reviewed under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning protection of children from abuse and neglect, termination of parental rights and guardianships of minors. (BDR 38-294)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 429.

Amend sec. 12, page 2, by deleting lines 43 through 48 and inserting:

“4. Represent, or have its designee represent, the state before the other states that are signatories to the agreement.

5. Designate not more than four delegates, who may be members of the commission, to represent the state for the purposes of reviewing or amending the agreement.”.

Amend sec. 14, page 4, line 7, by deleting “commits;” and inserting “commits fraud;”.

Amend the bill as a whole by renumbering sec. 19 as sec. 20 and adding a new section designated sec. 19, following sec. 18, to read as follows:

“Sec. 19. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the state or a political subdivision of the state enters into a contract with a person who:

(a) Sells tangible personal property in this state; and

(b) Has not obtained a permit pursuant to NRS 372.125 because he does not maintain a place of business within this state, the contract must include a provision requiring the person to obtain a permit pursuant to NRS 372.125 and to agree to collect and pay the taxes imposed pursuant to this chapter on the sale of tangible personal property in this state. For the purposes of the permit obtained pursuant to NRS 372.125, the person shall be deemed to have a single place of business in this state.

2. The department may require a state agency or local government to submit such documentation as is necessary to ensure compliance with this section.”.

Amend the bill as a whole by renumbering sections 20 through 22 as sections 22 through 24 and adding a new section designated sec. 21, following sec. 19, to read as follows:

“Sec. 21. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the state or a political subdivision of the state enters into a contract with a person who:

(a) Sells tangible personal property in this state; and

(b) Has not obtained a permit pursuant to NRS 374.130 because he does not maintain a place of business within this state, the contract must include a provision requiring the person to obtain a permit pursuant to NRS 374.130 and to agree to collect and pay the taxes imposed pursuant to this chapter on the sale of tangible personal property in any county in this state. For the purposes of the permit obtained pursuant to NRS 374.130, the person shall be deemed to have a place of business in each county in this state, but shall pay the fee for a single permit.

2. The department may require a state agency or local government to submit such documentation as is necessary to ensure compliance with this section.”.

Amend sec. 22, page 6, line 48, by deleting “21,” and inserting “23,”.

Amend the title of the bill, eighth line, after “law;” by inserting: “requiring out-of-state retailers who contract with the state or a political subdivision to agree to collect sales tax on sales within this state;”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 223.

Amend section 1, page 1, line 2, by deleting “5,” and inserting “4.”.

Amend sec. 3, page 1, line 12, after “pits,” by inserting: “*trails, jogging and pedestrian paths, tennis courts, areas designated for the use of skateboards*”.

Amend sec. 3, page 1, line 15, by deleting “40” and inserting “50”.

Amend sec. 3, page 1, line 17, by deleting “centers,” and inserting: “*centers that are more than 3,000 square feet in floor area,*”.

Amend sec. 3, page 1, line 18, by deleting: “*tennis courts, trails,*”.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 8 as sections 5 through 7.

Amend the bill as a whole by deleting sec. 9, renumbering sec. 10 as sec. 9 and adding a new section designated sec. 8, following sec. 8, to read as follows:

“Sec. 8. NRS 278B.240 is hereby amended to read as follows:

278B.240 1. If an owner is required by a local government, as a condition of the approval of the development, to construct or dedicate, or both, a portion of the off-site facilities for which impact fees *other than for a park project* are imposed, the off-site facilities must be credited against those impact fees.

2. If a school district is required by a local government to construct or dedicate, or both, a portion of the off-site facilities for which impact fees are imposed, the local government shall, upon the request of the school district, reimburse or enter into an agreement to reimburse the school district for the cost of the off-site facilities constructed or dedicated, or both, minus the cost of the off-site facilities immediately adjacent to or providing connection to the school development which would be required by local ordinance in the absence of an ordinance authorizing impact fees.

3. *If an owner is required by a local government to:*

(a) *Pay a residential construction tax pursuant to NRS 278.4983;*

(b) *Dedicate land pursuant to NRS 278.4979 or otherwise dedicate or improve land, or both, for use as a park; or*

(c) *Construct or dedicate a portion of the off-site facilities for which impact fees for a park project are imposed, the owner is entitled to a credit against the impact fee imposed for the park project for the amount of the residential construction tax paid, the fair market value of the land dedicated, the cost of any improvements to the dedicated land or the cost of the off-site facilities dedicated or constructed, as applicable.*”.

Amend the title of the bill, third and fourth lines, by deleting: “prohibiting a local government from imposing” and inserting: “providing a credit against”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 404.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting: “*“Nonresidential construction project” means construction other than construction of residential dwelling units or an apartment house or the development of mobile home lots. The term does not include any construction by a governmental agency.*”.

Amend sec. 3, page 1, line 15, by deleting “*nonresidential construction*” and inserting: “*a nonresidential construction project*”.

Amend sec. 4, page 2, line 5, after “*construction*” by inserting “*projects*”.

Amend sec. 4, page 2, line 12, by deleting “*neighborhoods*” and inserting: “*neighborhoods , regions*”.

Amend sec. 4, page 2, line 19, by deleting “*construction,*” and inserting “*construction projects,*”.

Amend sec. 4, page 2, line 31, after “*construction*” by inserting “*projects*”.

Amend sec. 5, page 2, line 38, after “*neighborhood*” by inserting “*or regional*”.

Amend sec. 5, page 2, line 42, after “*construction*” by inserting “*projects*”.

Amend sec. 5, page 2, line 46, by deleting “[~~\$1,000~~] \$2,000” and inserting “\$1,000”.

Amend sec. 5, page 3, by deleting lines 9 through 12 and inserting:

“(c) *With respect to a nonresidential construction project, 1 percent of the valuation of each building permit issued or \$20,000 per project, whichever is less. For the purpose of calculating*”.

Amend sec. 5, page 3, line 16, after “*construction*” by inserting “*projects*”.

Amend sec. 5, page 3, line 18, after “*neighborhood*” by inserting “*and regional*”.

Amend sec. 5, page 3, by deleting lines 19 through 21 and inserting: “and facilities for *such* parks which are required by ~~[the residents of those apartment houses, mobile homes and residences.]~~ or for the benefit of persons who live or work in the park districts or service areas within the city or county.”.

Amend sec. 5, page 3, by deleting line 28 and inserting: “plan, of park districts or service areas which would serve neighborhoods , regions or communities of interest within the city or”.

Amend sec. 5, page 3, line 31, after “construction” by inserting “project”.

Amend sec. 5, pages 3 and 4, by deleting lines 34 through 49 on page 3 and lines 1 through 17 on page 4, and inserting:

“5. All ~~[residential]~~ construction taxes collected pursuant to the provisions of this section and any ordinance enacted by a city council or board of county commissioners, and all interest accrued on the money, must be placed with the city treasurer or county treasurer in a special fund. *The money in the fund that is collected pursuant to paragraphs (a) and (b) of subsection 2 must be accounted for separately from the money in the fund collected pursuant to paragraph (c) of subsection 2.*

6. Except as otherwise provided in subsection ~~[6.]~~ 8, the money in the fund *which is collected pursuant to paragraphs (a) and (b) of subsection 2* may only be ~~[used]~~ :

(a) *Used* for the acquisition, improvement and expansion of neighborhood parks or the installation of facilities in existing or neighborhood parks in the city or county. ~~[Money in the fund must be expended]~~

(b) *Expended* for the benefit of the neighborhood from which it was collected.

~~[6.]~~ 7. *Except as otherwise provided in subsection 9, the money in the fund which is collected pursuant to paragraph (c) of subsection 2 may only be:*

(a) *Used* for the acquisition, improvement and expansion of regional parks or the installation of facilities in existing regional parks in the city or county.

(b) *Expended* for the benefit of the park district or service area from which it was collected.

8. If a neighborhood park has not been developed or facilities have not been installed in an existing park in the park district created to serve the neighborhood in which the subdivision or development is located within 3 years after the date on which 75 percent of the residential dwelling units authorized within that subdivision or development first became occupied, all money paid by the subdivider or developer ~~[.]~~ pursuant to paragraph (a) or (b) of subsection 2, together with interest at the rate at which the city or county has invested the money in the fund, must be refunded to the owners of the lots in the subdivision or development at the time of the reversion on a pro rata basis.

~~[7-]~~ 9. *If a regional park has not been developed or facilities have not been installed in an existing regional park within 10 years after the date on which 75 percent of the nonresidential construction project first became occupied, all money paid by the developer pursuant to paragraph (c) of subsection 2, together with interest at the rate at which the city or county has invested the money in the fund, must be refunded to the owners of the property at the time of the reversion on a pro rata basis.*

10. The limitation of time established pursuant to ~~[subsection 6]~~ subsections 8 and 9 is suspended for any period, not to exceed 1 year, during which this state or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development of a park or installation of facilities.

~~[8.—For the purposes of]~~

11. *As used in this section:*

(a) “Facilities” means turf, trees, irrigation, playground apparatus, playing fields, areas to be used for organized amateur sports, play areas, picnic areas, horseshoe pits and other recreational equipment or appurtenances designed to serve the ~~[natural persons, families and small groups from the neighborhood from which the tax was collected.]~~ *persons who use the park in which the facilities are located.*

(b) “Neighborhood park” means a site not exceeding 25 acres, designed to serve the recreational and outdoor needs of *the* natural persons, families and small groups ~~[in the neighborhood from which the tax was collected.]~~

(c) “Regional park” means a site exceeding 50 acres, designed to serve the outdoor needs of persons who live or work in the region in which it is located.”.

Amend sec. 6, page 4, line 24, by deleting: “to 278.4981, inclusive;” and inserting:

~~“[to 278.4981, inclusive;],~~ 278.498 and 278.4981.”.

Amend sec. 7, page 4, line 39, by deleting: “to 278.4981, inclusive;” and inserting:

~~“[to 278.4981, inclusive;],~~ 278.498 and 278.4981”.

Amend sec. 7, page 4, line 43, after “construction” by inserting “project”.

Amend the title of the bill to read as follows:

“AN ACT relating to local governments; authorizing certain local governments to impose a tax on nonresidential construction projects or require the dedication of certain land for regional parks; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes certain local governments to impose tax on nonresidential construction projects or require dedication of certain land for regional parks. (BDR 22-72)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 466.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 500.

Amend sec. 2, page 2, line 11, after “authority.” by inserting:

“An applicant for a work permit shall file his application for a work permit with the licensing authority of the city in which he resides if that city requires a work permit. If the city in which he resides does not require such a permit, the applicant shall file his application with the licensing authority of the county in which he resides if that county requires a work permit. If the county in which he resides does not require such a permit, the applicant shall file his application with the board.”.

Amend sec. 2, page 2, by deleting line 13 and inserting:

“for such a permit may be charged only to cover the actual investigative and administrative costs related to processing an application for such a permit and”.

Amend sec. 2, page 2, line 37, by deleting “and” and inserting “for submission”.

Amend sec. 2, page 2, line 45, after “Unless” by inserting:

“denied or objected to by the board at the time that the permittee filed a notice of a change in his place of employment pursuant to subsection 8 and unless”.

Amend sec. 2, page 3, line 5, by deleting “permit.” and inserting:
“permit [-] that is valid for 90 days.”.

Amend sec. 2, page 3, line 8, before “work” by inserting “permanent”.

Amend sec. 2, page 3, line 16, after “permit” by inserting:
“is denied or objected to by the board.”.

Amend sec. 2, page 3, line 18, after “establishment.” by inserting:

“Such a notification shall be deemed an application for a work permit that the board may deny or object to after conducting any investigations the board deems appropriate. The provisions of subsections 9 to 16, inclusive, apply to any such objection of the board.”.

Amend sec. 2, page 4, by deleting lines 34 and 35 and inserting:

“applicant , ~~[who has been convicted of a crime which is a felony, gross misdemeanor or misdemeanor,~~ it may specially limit the period for which”.

Amend sec. 3, page 5, line 40, by deleting:

“October 1, 2001,” and inserting:

“January 1, 2003.”.

Amend sec. 3, page 5, lines 46 and 47, by deleting “2002.” and inserting
“2003.”.

Amend sec. 3, page 6, line 4, by deleting “2002,” and inserting “2003.”.

Amend sec. 3, page 6, line 5, by deleting “2002.” and inserting “2003.”.

Amend sec. 4, page 6, line 10, by deleting “2002,” and inserting “2003,”.

Amend sec. 4, page 6, line 12, by deleting “2002.” and inserting “2003.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 468.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 364.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting:

“533.438 1. ~~[If an application or applications]~~ Except as otherwise provided in subsection 4, if an appropriation of ground water pursuant to a permit to appropriate ground water ~~[would result]~~ results in”.

Amend section 1, page 1, line 5, by deleting “to be” and inserting “~~to be~~”.

Amend section 1, pages 1 and 2, by deleting lines 10 through 17 on page 1 and line 1 on page 2, and inserting: “shall notify the state engineer in writing of its intent to impose the tax. The state engineer shall review the notice of intent to impose the tax to determine:

(a) Whether the appropriation of ground water pursuant to the permit specified in subsection 1 results in a transfer to and beneficial use of water in a county in this state other than the county of origin or in another state; and

(b) The amount of water, if any, that is:

(1) Subject to the proposed tax because of that transfer and beneficial use; or

(2) Not subject to the proposed tax pursuant to subsection 4.

3. Within 30 days after reviewing the notice of intent to impose the tax, the state engineer”.

Amend section 1, page 2, line 2, after “send” by inserting “a”.

Amend section 1, page 2, by deleting line 4 and inserting: “ground water pursuant to the permit results in a transfer to and beneficial use of water in a county in this state”.

Amend section 1, page 2, line 6, by deleting “will be” and inserting “is”.

Amend section 1, page 2, by deleting lines 10 and 11 and inserting: “appropriated and beneficially used pursuant to a permit to appropriate ground water which is issued for a point of diversion and a place of beneficial use in the county of origin and which, after the water is diverted and beneficially used, is discharged or migrates into a”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 385.

Amend the bill as a whole by renumbering sections 1 through 6 as sections 2 through 7 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, no permit may be issued pursuant to this chapter authorizing a fire-fighting agency to provide intermediate or advanced medical care to sick or injured persons while transporting those persons to a medical facility.*

2. *Except as otherwise provided in subsection 9 of NRS 450B.200, the county or district board of health in a county whose population is 400,000 or more may issue a permit pursuant to NRS 450B.200 or 450B.210 authorizing a fire-fighting agency to provide intermediate or advanced medical care to sick or injured persons at the scene of an emergency and while transporting those persons to a medical facility.”.*

Amend section 1, page 1, lines 2 and 3, by deleting: “, including, without limitation, a vehicle of a fire-fighting agency,”.

Amend section 1, page 1, line 8, by deleting “transfer.” and inserting: “transfer ~~[]~~ ,including, without limitation, such a vehicle of a fire-fighting agency.”.

Amend sec. 2, pages 1 and 2, by deleting lines 12 through 14 on page 1 and lines 1 and 2 on page 2, and inserting: “permit ~~[authorizing it to provide intermediate or advanced medical care to sick or injured persons at the scene of an emergency. This]~~ issued pursuant to this chapter. The term does not include a person or governmental entity , other than a governmental entity to whom a permit is issued in accordance with the provisions of section 1 of this act, which provides transportation of ~~[those]~~ sick or injured persons to a medical facility.”.

Amend sec. 3, page 2, by deleting line 9 and inserting: “care ~~[at]~~ to sick or injured persons:

(a) *At the scene of an emergency ~~[]~~ ; or*

(b) *At the scene of an emergency and while”.*

Amend sec. 6, page 2, line 36, after “except” by inserting: “as otherwise provided in subsection 5 or”.

Amend sec. 6, page 2, by deleting lines 47 through 49 and inserting: “~~[at]~~ to sick or injured persons:

(a) *At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care ~~f~~; or*

(b) *While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.”.*

Amend the bill as a whole by deleting sec. 7.

Amend sec. 8, page 5, by deleting lines 31 through 36 and inserting:

“(f) Include the budget of the district in the budget of the county.”.

Amend sec. 8, page 5, line 37, by deleting “~~(g)~~ (h)” and inserting “(g)”.

Amend sec. 8, page 5, line 40, after “2.” by inserting: “*If the fire department transports sick or injured persons to a medical facility, the board of county commissioners shall adopt:*

(a) *An ordinance:*

(1) *Requiring the fire department to defray the expenses of furnishing such transportation by imposing and collecting fees; and*

(2) *Establishing a schedule of such fees; or*

(b) *An ordinance prohibiting the imposition and collection of any fees for such transportation.*

3.”.

Amend sec. 8, page 5, line 42, by deleting “3.” and inserting “~~3~~ 4.”.

Amend the title of the bill to read as follows:

“AN ACT relating to emergency medical services; providing for the issuance in certain counties of permits authorizing fire-fighting agencies to transport sick or injured persons to medical facilities; providing for the adoption of ordinances governing the imposition and collection of certain fees by those fire-fighting agencies; and providing other matters properly relating thereto.”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 537.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 462.

Amend sec. 2, page 2, by deleting line 4.

Amend sec. 2, page 2, line 5, by deleting “9.” and inserting “8.”.

Amend sec. 2, page 2, line 7, by deleting “10.” and inserting “9.”.

Amend sec. 2, page 2, by deleting lines 9 through 11.

Amend the bill as a whole by renumbering sections 4 through 7 as sections 5 through 8 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. NRS 244.187 is hereby amended to read as follows:

244.187 A board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the county and to

promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.
2. Taxicabs and other public transportation, unless regulated in that county by an agency of the state.
3. Collection and disposal of garbage and other waste.
4. Operations at an airport, including , but not limited to , the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.
5. Water and sewage treatment, unless regulated in that county by an agency of the state.
6. Concessions on, over or under property owned or leased by the county.
7. Operation of landfills.
8. Construction and maintenance of benches and shelters for passengers of public mass transportation.
9. *Inspection required by any ordinance adopted by the board of county commissioners otherwise authorized by law.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to local governments; revising the provisions relating to the services that may be provided on an exclusive basis by the governing body or by franchise within the county and unincorporated towns; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to services that may be provided on exclusive basis by governing body or by franchise within county and unincorporated towns. (BDR 21-829)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 571.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 390.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 7 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. “*Graffiti*” means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn or painted on the public or private property, real or personal, of another, which defaces such property.

Sec. 3. *“Residential property” means a parcel of land, including all structures thereon, that is zoned for single-family residential use.*

Sec. 4. 1. *The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is:*

(a) Placed on the exterior of a fence or wall located on the perimeter of residential property; and

(b) Visible from a public right of way.

2. *An ordinance adopted pursuant to subsection 1 must provide that:*

(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:

(1) The owner of the residential property consents to the covering or removal of the graffiti; or

(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain his consent, the board first provides the owner of the property with written notice that is:

(I) Sent by certified mail, return receipt requested; and

(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed, at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.

(b) The county shall pay the cost of covering or removing the graffiti.

Sec. 5. 1. *The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is:*

(a) Placed on that nonresidential property; and

(b) Visible from a public right of way,

to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.

2. *An ordinance adopted pursuant to subsection 1 must:*

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on his property of graffiti and the date by which he must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. *The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:*

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. *In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may:*

(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or

(b) Make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

5. *A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:*

(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and

(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.

6. *A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.*

7. *As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.*

Sec. 6. NRS 244.3691 is hereby amended to read as follows:

244.3691 As used in this section and NRS 244.3693 and 244.3695, ~~["graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn or painted on the public or private property, real or personal, of another, which defaces such property.] and sections 2 to 5, inclusive, of this act, unless the context otherwise requires,~~

the words and terms defined in sections 2 and 3 of this act have the meanings ascribed to them in those sections.”.

Amend the title of the bill to read as follows:

“AN ACT relating to counties; authorizing a board of county commissioners to provide by ordinance for the covering or removal of certain graffiti on certain types of property; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes board of county commissioners to provide by ordinance for covering or removal of certain graffiti on certain types of property. (BDR 20-389)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 578.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 512.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 8 and 9 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

“Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *An application for a license for an establishment to operate interactive gaming:*

(a) *Must be accompanied by a nonrefundable application fee of \$100,000 when the application is filed with the board.*

(b) *May be filed with the board, on a form approved by the board:*

(1) *Not later than 90 days after the effective date of this section; or*

(2) *Not earlier than 181 days after the commission issues the first license for an establishment to operate interactive gaming pursuant to this chapter.*

2. *The board shall not accept an application for a license for an establishment to operate interactive gaming filed on any date other than a date described in paragraph (b) of subsection 1.*

Sec. 3. 1. *Before issuing a license for an establishment to operate interactive gaming, the commission shall charge and collect from the establishment a license fee of \$1,000,000.*

2. *Each license for an establishment to operate interactive gaming must be issued for a 2-year period beginning on January 1 of the first year and ending on December 31 of the second year.*

3. *Notwithstanding the provisions of subsections 1 and 2 to the contrary, a license for an establishment to operate interactive gaming may be issued*

after January 1 of a calendar year for a period beginning on the date of issuance of the license and ending on the second December 31 following the date of issuance of the license. Before issuing a license pursuant to this subsection, the commission shall charge and collect from the establishment a license fee of \$1,000,000 prorated by 1/24 for each full month between January 1 of the calendar year and the date of issuance of the license.

4. Before renewing a license issued pursuant to this section, but in no case later than the second December 31 after the license was issued or previously renewed, the commission shall charge and collect a renewal fee of \$1,000,000 for the renewal of the license for the immediately following 2-year period.

Sec. 4. The operation of interactive gaming is exempt from the fees and taxes imposed pursuant to NRS 463.375, 463.380, 463.383 and 463.385.

Sec. 5. 1. Before issuing a license for a manufacturer of a gaming device for interactive gaming, manufacturer of equipment associated with a gaming device for interactive gaming or manufacturer of peripheral equipment related to a gaming device for interactive gaming, the commission shall charge and collect a license fee of:

(a) Two hundred and fifty thousand dollars for a license for a manufacturer of a gaming device for interactive gaming;

(b) One hundred thousand dollars for a license for a manufacturer of equipment associated with a gaming device for interactive gaming; or

(c) Fifty thousand dollars for a license for a manufacturer of peripheral equipment related to a gaming device for interactive gaming.

2. Each license issued pursuant to this section must be issued for a 1-year period that begins on the date the license is issued.

3. Before renewing a license issued pursuant to this section, but in no case later than 1 year after the license was issued or previously renewed, the commission shall charge and collect a renewal fee for the renewal of the license for the immediately following 1-year period. The renewal fee for a license for a:

(a) Manufacturer of a gaming device for interactive gaming is an amount equal to the greater of:

(1) Fifty thousand dollars; or

(2) Fifty thousand dollars multiplied by the number of establishments licensed to operate interactive gaming that, on the date of renewal, have an agreement with the manufacturer of a gaming device for interactive gaming to share the revenue from an interactive gaming system.

(b) Manufacturer of equipment associated with a gaming device for interactive gaming is \$50,000.

(c) Manufacturer of peripheral equipment related to a gaming device for interactive gaming is \$25,000.

Sec. 6. 1. In addition to the fees set forth in section 5 of this act, a licensed manufacturer of a gaming device for interactive gaming shall pay a monthly license fee pursuant to this section for each agreement to share the

revenue from an interactive gaming system into which the manufacturer of a gaming device for interactive gaming has entered with an establishment licensed to operate interactive gaming.

2. Each establishment licensed to operate interactive gaming with which the manufacturer of a gaming device for interactive gaming has an agreement to share the revenue from an interactive gaming system shall transmit the license fee required by subsection 1 on behalf of the manufacturer of a gaming device for interactive gaming based upon the amount of revenue to which the manufacturer of a gaming device for interactive gaming is entitled pursuant to the agreement, as follows:

(a) Six and one-quarter percent of the revenue from the previous calendar month that does not exceed \$500,000;

(b) Nine and one-half percent of the revenue from the previous calendar month that exceeds \$500,000 and does not exceed \$1,000,000; and

(c) Twelve and three-quarters percent of the revenue from the previous calendar month that exceeds \$1,000,000.

3. For the purposes of subsection 2, the amount of revenue to which the manufacturer of a gaming device for interactive gaming is entitled pursuant to an agreement to share the revenue from an interactive gaming system:

(a) Includes all revenue of the manufacturer of a gaming device for interactive gaming that is his share of the revenue from the interactive gaming system pursuant to the agreement; and

(b) Does not include revenue that is the fixed purchase price for the sale of a component of the interactive gaming system.

4. Each establishment licensed to operate interactive gaming described in subsection 2 shall:

(a) Withhold the amount necessary to pay the license fee from the share due the manufacturer of a gaming device for interactive gaming pursuant to the agreement; and

(b) Transmit the license fee on behalf of the manufacturer of a gaming device for interactive gaming on the same date and in the same manner as the establishment pays license fees pursuant to NRS 463.370.

5. Revenue upon which a license fee is paid pursuant to this section is not subject to the provisions of NRS 463.370.

Sec. 7. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(c) Compensation received for conducting any game in which the licensee is not party to a wager,

less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except

that losses in a contest or tournament conducted in conjunction with an inter-casino linked system may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system;

(f) Uncollected baccarat commissions; ~~for~~

(g) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed ~~for~~; or

(h) *Revenue from an interactive gaming system to which a manufacturer of a gaming device for interactive gaming is entitled pursuant to an agreement to share revenue between the manufacturer of a gaming device for interactive gaming and the licensee.*

3. As used in this section, “baccarat commission” means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.”.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 11 through 13 and adding a new section designated sec. 10, following sec. 3, to read as follows:

“Sec. 10. NRS 463.400 is hereby amended to read as follows:

463.400 Any person who willfully fails to report, pay or truthfully account for and pay over the license fees imposed by NRS 463.370, 463.373 to 463.3855, inclusive, *and sections 3 to 6, inclusive, of this act*, 463.390 and 463.450, or willfully attempts in any manner to evade or defeat any such tax or payment thereof, or any licensee who puts additional games into play without authority of the commission to do so or any licensee who fails to remit any license fee provided for by this chapter when due is in addition to the amount due liable for a penalty of the amount of the license fee evaded or not paid, collected or paid over. The penalty must be assessed and collected in the same manner as are other charges, license fees and penalties under this chapter.”.

Amend the bill as a whole by deleting sec. 7 and adding new sections designated sections 14 and 15, following sec. 6, to read as follows:

“Sec. 14. The amendatory provisions of sections 1 through 7, inclusive, and 10 of this act do not apply to offenses committed before the effective date of sections 1 through 7, inclusive, and 10 of this act.

Sec. 15. 1. This section and section 14 of this act become effective upon passage and approval.

2. Sections 1 through 7, inclusive, and 10 of this act become effective upon passage and approval only if the governor has first signed Assembly Bill No. 296 of this session.

3. Sections 8, 9, 11, 12 and 13 of this act become effective on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to gaming; providing for certain application fees and license fees relating to interactive gaming; exempting the operation of interactive gaming from certain other fees and taxes; revising the definition of “gross revenue” for the purposes of the Nevada Gaming Control Act; revising the computation of interest payable by the Nevada gaming commission on the overpayment of certain fees and taxes; revising provisions relating to persons who acquire a certain beneficial ownership in a publicly traded corporation registered with the commission; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 630.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 469.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections, designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 457.250 is hereby amended to read as follows:

457.250 1. The chief administrative officer of each health care facility in this state shall make available to the state health officer or his representative the records of the health care facility for every case of malignant neoplasms which are specified by the state board of health as subject to reporting.

2. The health division shall abstract from the records of the health care facility or shall require the health care facility to abstract from their own records such information as is required by the state board of health.

3. The board shall by regulation adopt a schedule of fees which must be assessed to the health care facility for each case from which information is abstracted by the health division or by the health care facility pursuant to

subsection 2. The fee assessed to a facility which abstracts information from its own records must not exceed one-third of the amount assessed to facilities for which the health division abstracts. *To the extent of legislative appropriations available for this purpose, the board shall reduce the fees charged to a health care facility pursuant to this subsection if the required information is submitted in a timely manner.*

4. Any person who violates this section is guilty of a misdemeanor.

Sec. 2. 1. There is hereby appropriated from the state general fund to the Health Division of the Department of Human Resources for the support of the system for the reporting of information on cancer maintained by the state health officer:

For the fiscal year 2001-2002 \$100,000

For the fiscal year 2002-2003 \$100,000

2. The money appropriated pursuant to subsection 1 must be used to subsidize the fees that are assessed to health care facilities that make timely submissions of information from their records regarding cases of cancer which occur in this state.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend the bill as a whole by renumbering sec. 5 as sec. 3.

Amend the title of the bill to read as follows:

“AN ACT relating to system for the reporting of information on cancer; directing the state board of health to reduce fees related to the reporting of information by health care facilities under certain circumstances; making an appropriation for support of the system; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions regarding system for reporting of information on cancer that is maintained by state health officer. (BDR 40-1456)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 13.

Resolution read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 601, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Assembly Bill No. 415 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Dini.

Motion carried.

Assemblyman Lee moved that Assembly Bill No. 442 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Lee.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 653 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 207, 375, 491, 552, 601 and 622 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 207.

Bill read second time.

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

Amendment No. 575.

Amend section 1, page 1, line 2, by deleting "26," and inserting "18,".

Amend sec. 2, page 1, line 3, by deleting "26," and inserting "18,".

Amend sec. 3, page 1, lines 7 and 8, by deleting: *"repairs or the fair retail market value of"*.

Amend sec. 3, page 1, by deleting line 9 and inserting: *"an undamaged condition."*.

Amend sec. 4, page 2, lines 2 and 3, by deleting: *"is purely cosmetic in nature."* and inserting:

"does not affect the ability of the motor vehicle to function.".

Amend sec. 6, page 2, lines 8 and 9, by deleting:

"trunk or passenger compartment" and inserting: *"passenger or trunk compartments"*.

Amend sec. 7, page 2, line 12, by deleting *"its title."* and inserting: *"any title issued for the vehicle."*.

Amend sec. 8, page 2, line 14, by deleting: *"\$3,000 or more,"* and inserting:

"at least 20 percent of the lesser of the manufacturer's suggested retail price of the vehicle or the fair market value of the vehicle,".

Amend sec. 10, page 2, line 23, by deleting: *"a nonrepairable vehicle"* and inserting *"nonrepairable"*.

Amend sec. 10, page 2, line 24, by deleting: “on its title.” and inserting: “placed on any title issued for the vehicle.”.

Amend sec. 11, page 2, by deleting lines 26 and 27 and inserting: “vehicle that has been certified as being fit for operation upon a highway by the department or any other jurisdiction that has issued a title for the vehicle.”.

Amend sec. 12, page 2, by deleting lines 29 through 36 and inserting: “has been declared a total loss vehicle or had “salvage” or a similar word or designation placed on any title issued for the vehicle.”.

Amend sec. 13, page 2, by deleting lines 37 through 43 and inserting:

“Sec. 13. “Title” means a certificate of ownership or any other document issued by any state or country indicating the ownership of a motor vehicle.”.

Amend the bill as a whole by deleting sections 14 through 22, renumbering sec. 23 as sec. 18 and adding new sections designated sections 14 through 17, following sec. 13, to read as follows:

“Sec. 14. “Total loss vehicle” has the meaning ascribed to it in NRS 487.045.

Sec. 15. 1. Any person who transfers an interest in a motor vehicle in this state shall, before the transfer, disclose in writing to the transferee any information that the transferor knows or should have known concerning whether the vehicle is a flood vehicle as defined in section 7 of this act, a nonrepairable vehicle as defined in section 10 of this act, a renovated vehicle as defined in section 11 of this act or a salvage vehicle as defined in section 12 of this act, or has sustained major damage as defined in section 8 of this act.

2. If the transferor is subject to the provisions of NRS 482.423, 482.4235, 482.424 or 482.4245, the transferor shall:

(a) Make the disclosure required by subsection 1 before finalizing a contract of sale or a long-term lease;

(b) Provide a copy of the disclosure to the transferee; and

(c) Retain the written disclosure in his records for the period specified in NRS 482.3263.

3. It is unlawful for a person to knowingly and willfully fail to make a disclosure required by this section with the intent to defraud. A person who violates this subsection shall be punished in accordance with the provisions of NRS 205.380.

Sec. 16. 1. At the time application is made for the issuance of the title of a motor vehicle, the applicant shall submit to the department any disclosure made pursuant to section 15 of this act concerning the vehicle. Upon submittal, the disclosure becomes a part of the title history of the vehicle and must be carried forward on all succeeding titles issued for the vehicle.

2. The department shall adopt regulations setting forth a method by which the titles of motor vehicles must contain information concerning such

disclosures and any other information the department determines to be necessary.

Sec. 17. 1. *A person who, with the intent to defraud, violates any provision of section 15 or 16 of this act is liable to any person harmed by that violation in an amount equal to the sum of:*

(a) Three times the amount of actual damages sustained by the person harmed or \$5,000, whichever is greater; and

(b) If an action brought by the person harmed is successful in enforcing the liability imposed by paragraph (a), the costs of bringing the action and reasonable attorney's fees as determined by the court.

2. *The remedy set forth in subsection 1 is independent of and supplemental to, and does not limit or preclude the application of, any other legal or equitable remedy."*

Amend sec. 23, page 5, line 25, before "If" by inserting "1."

Amend sec. 23, page 5, by deleting lines 33 through 40 and inserting:

"2. If the vehicle is a nonrepairable vehicle, the insurance company shall, in addition to providing the notice required by subsection 1, notify the department and, if the vehicle is"

Amend the bill as a whole by deleting sections 24 through 27 and renumbering sec. 28 as sec. 19.

Amend sec. 28, page 7, line 6, by deleting "20" and inserting "15".

Amend the bill as a whole by deleting sec. 29 and renumbering sections 30 through 37 as sections 20 through 27.

Amend sec. 31, page 9, by deleting lines 6 and 7 and inserting:

"(b) A disclosure required by section 15 of this act; or"

Amend sec. 33, pages 9 and 10, by deleting lines 48 and 49 on page 9 and line 1 on page 10 and inserting:

"2. The insurance company or its authorized agent may sell a vehicle for"

Amend sec. 33, page 10, lines 5 and 6, by deleting: "rebuilt.

(b) An" and inserting "rebuilt. An".

Amend the title of the bill by deleting the second through fourth lines and inserting: "transfer and titling of vehicles that have sustained certain damages; requiring certain notices and disclosures regarding such vehicles; imposing civil liability and".

Amend the summary of the bill to read as follows:

"SUMMARY—Imposes certain restrictions and requirements upon transfer and titling of, and requires certain notices and disclosures regarding, motor vehicles that have sustained certain damages. (BDR 43-441)".

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

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

Amendment No. 525.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *A person shall not, with the intent to cheat or defraud a retailer, possess, make, alter, forge or counterfeit any sales receipt or inventory pricing label.*

2. *Unless a greater penalty is imposed by a specific statute and except as otherwise provided in subsection 3, a person who violates any provision of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

3. *Unless a greater penalty is imposed by a specific statute, a person who violates any provision of subsection 1 and who possesses 15 or more fraudulent sales receipts or inventory pricing labels is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

4. *As used in this section, “inventory pricing label” includes, without limitation, any written or electronic record or label used by a retailer to identify, inventory or price any product or item it offers for sale.*

Sec. 3. 1. *A person shall not, with the intent to commit, aid or abet a theft, possess any theft detection shielding device or theft detection device deactivator.*

2. *A person shall not, with the intent to commit, aid or abet a theft, manufacture, sell or distribute any theft detection shielding device or theft detection device deactivator.*

3. *A person who violates any provision of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

4. *As used in this section:*

(a) *“Theft detection device deactivator” includes, without limitation, any tool or device designed to allow, or capable of allowing, the deactivation or removal of a theft detection device from any merchandise.*

(b) *“Theft detection shielding device” includes, without limitation, any laminated or coated bag or device intended to shield merchandise from detection by an electronic or magnetic theft detector.*

Sec. 4. The amendatory provisions of this act do not apply to offenses committed before October 1, 2001.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Enacts provisions governing possession, use, manufacture and distribution of certain items employed to commit theft. (BDR 15-1462)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

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

Amendment No. 520.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

An optometrist may, based upon the individual needs of a particular patient, collaborate with an ophthalmologist for the provision of care to the patient, for a fixed fee, regarding one or more surgical procedures if:

1. The collaborating parties prepare and maintain in their respective medical records regarding the patient, written documentation of each procedure and other service performed by each collaborating party which includes the date each procedure and other service is performed;

2. The fixed fee is divided between the collaborating parties in proportion to the services personally performed by each of them; and

3. The collaborating parties provide to the patient and maintain in their respective medical records regarding the patient, a written document, signed by each of the collaborating parties and the patient, containing:

(a) The name, business address and telephone number of each of the collaborating parties;

(b) The amount of the fixed fee for the procedures and services;

(c) The proportion of that fee to be received by each collaborating party;

(d) A statement, signed by the patient and a witness who is not one of the collaborating parties, that the patient voluntarily, knowingly and willingly desires the performance of the postoperative care by the collaborating optometrist;

(e) A statement that the patient is entitled to return to the collaborating ophthalmologist for postoperative care at any time after the surgery; and

(f) A statement which:

(1) Indicates that the practice of optometry and ophthalmology are respectively regulated by the Nevada state board of optometry and the board of medical examiners; and

(2) Contains the address and telephone number of each of those boards.”.

Amend sec. 2, page 2, by deleting lines 5 through 9 and inserting:

“person who is not an optometrist or a health maintenance organization [] , unless in accordance with section 1 of this act.”.

Amend the bill as a whole by deleting sections 3 through 7.

Amend the title of the bill to read as follows:

“AN ACT relating to professions; authorizing an optometrist to collaborate with an ophthalmologist under certain conditions; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes optometrist to collaborate with ophthalmologist under certain conditions. (BDR 54-1280)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 552.

Bill read second time.

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

Amendment No. 441.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who engages in the business of renting or leasing temporary commercial coaches is not required to obtain a license to engage in that business pursuant to this chapter.*

2. *The provisions of this chapter, except the provisions of subsections 2 and 4 of NRS 489.241, subsection 1 of NRS 489.251, NRS 489.287, 489.288, 489.451 and subsections 1 to 5, inclusive, of NRS 489.481, do not apply to a temporary commercial coach.*

3. *As used in this section, “temporary commercial coach” means a commercial coach that is:*

(a) *Not permanently affixed to land or a foundation, footing or existing structure, regardless of whether utility services are provided;*

(b) *Not sold, rented or leased to a person for use at a location for more than 18 months during any 2-year period;*

(c) *Not used as a dwelling; and*

(d) *Used in connection with a business activity.”.*

Amend the title of the bill, fourth line, after “building;” by inserting:

“providing that a person who engages in the business of renting or leasing temporary commercial coaches is not required to obtain a license pursuant to certain provisions; exempting a temporary commercial coach from certain provisions governing commercial coaches;”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 601.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 571.

Amend section 1, page 1, by deleting line 6 and inserting: *“the purchase must be approved by the legislature by concurrent resolution or statute or as part of the budget of the state agency, or by the interim finance committee when the legislature is not in regular session.”*.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry and Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 622.

Bill read second time.

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

Amendment No. 524.

Amend sec. 2, page 1, between lines 15 and 16 by inserting:

“4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.”.

Amend sec. 12, page 4, line 25, by deleting “\$250” and inserting “\$100”.

Amend sec. 12, page 4, lines 28 and 39, by deleting “\$300” and inserting “\$150”.

Amend sec. 12, page 4, line 45, by deleting “\$150” and inserting “\$75”.

Amend sec. 19, page 7, between lines 18 and 19 by inserting:

“4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 24, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 434, 460 and 469.

MARK STEVENS
Fiscal Analysis Division

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 37.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Potential conflict of interest declared by Assemblywoman Von Tobel.

Roll call on Assembly Bill No. 37:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 182:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 259:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 294:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:48 p.m.

ASSEMBLY IN SESSION

At 12:49 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 353.

Bill read third time.

Remarks by Assemblymen Leslie, Brower, Giunchigliani, Perkins, Price, Humke, Nolan, Buckley, Goldwater, Collins, Carpenter and Gibbons.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:56 p.m.

ASSEMBLY IN SESSION

At 12:57 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 353:

YEAS—28.

NAYS—Angle, Beers, Brower, Brown, Cegavske, Gibbons, Gustavson, Hettrick, Marvel, Nolan, Von Tobel—11.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Humke requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. A colleague pointed out to me that I apparently inadvertently voted for AB 353 after having spoken against the bill. It was my intent to vote “no.” I do not wish to trouble the members or the staff by moving to reconsider the vote. Thank you.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 386:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 482:

YEAS—38.

NAYS—Arberry.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Chowning and Price.

Potential conflict of interest declared by Assemblyman Price.

Roll call on Assembly Bill No. 484:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Assembly Bill No. 489:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 560.

Bill read third time.

Remarks by Assemblymen Parnell and Collins.

Potential conflict of interest declared by Assemblyman Collins.

Roll call on Assembly Bill No. 560:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 576.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 576:

YEAS—39.

NAYS—None.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 627.

Bill read third time.

Remarks by Assemblymen Dini, Gustavson and Lee.

Potential conflict of interest declared by Assemblyman Gustavson.

Conflict of interest declared by Assemblyman Lee.

Roll call on Assembly Bill No. 627:

YEAS—38.

NAYS—None.

NOT VOTING—Lee.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 627 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 595.

Amend the bill as a whole by adding new sections designated sections 7 through 9, following sec. 6, to read as follows:

“Sec. 7. Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a health care plan that provides coverage for prescription drugs or devices issues a single identification card or other device to an insured that contains information solely needed to process a claim for a prescription drug or device, the card or other device must conform to the requirements of the National Council for Prescription Drug Programs set forth in the NCPDP Pharmacy ID Card Implementation Guide that are consistent with applicable regulations adopted pursuant to the Health Insurance Portability and

Accountability Act of 1996, Public Law 104-191, as they may be amended from time to time, or must contain at least the following elements:

(a) The name or logo of the administrator issuing the card or device.

(b) The insured's identification number, which must be displayed on the front side of the card or device.

(c) The name and address of the administrator to which prescription claims that are not processed electronically or correspondence should be sent.

(d) The telephone number that providers may call for assistance concerning pharmacy benefits.

(e) Complete information concerning routing of electronic transactions, including, without limitation, the international identification number and, if required by the administrator to process the claim, the processing control number and group number.

(f) Any other information required for proper administration of the claim. The information on the card or device must be arranged in a manner that corresponds both in content and form to the content and form required by the plan to process the claim.

2. An identification card or other device issued to an insured pursuant to this section must be revised and reissued to the insured if the information contained on the card or device is rendered inaccurate by any change in:

(a) The coverage provided under the health care plan;

(b) The applicable requirements of the NCPDP Pharmacy ID Card Implementation Guide; or

(c) Any of the elements required to be included on the card or device pursuant to this section.

A new card or device must be issued upon enrollment and updated as required to comply with the provisions of this section. A card or device may be updated for not more than 1 year by issuing a sticker or other technology approved by the commissioner in lieu of replacing the card or device.

3. An identification card or other device that is issued or reissued to an insured pursuant to this section must:

(a) Contain information regarding coverage; and

(b) Conform to the requirements approved by the commissioner, in effect at the time the card or device is issued or reissued.

4. The commissioner shall adopt such regulations as are necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Administrator" has the meaning ascribed to it in NRS 683A.025, and includes a pharmacy benefits manager.

(b) "Health care plan" means a policy, contract, certificate or agreement offered by an insurer, health maintenance organization or prepaid limited health service organization to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. The term does not include:

(1) Coverage that is only for accident or disability income insurance, or any combination thereof.

(2) Credit insurance.

(3) Coverage that is only for a specified disease or illness.

(4) Dental or vision benefits that are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health care plan.

(5) Coverage issued as a supplement to liability insurance.

(6) Coverage for medical payments under a policy of automobile or homeowners' insurance.

(7) Coverage for benefits that are payable without regard to fault and that are statutorily required to be included in a policy of liability insurance or equivalent self-insurance.

(8) Hospital income or indemnity insurance.

Sec. 8. The provisions of section 7 of this act do not apply to the division of health care financing and policy of the department of human resources or a person providing prescription drug benefits in a health care program provided by contract with the division until the division becomes capable of producing a card or other device that meets the requirements of that section. The director of the department of human resources shall issue an order requiring compliance with section 7 of this act when the division produces such a card or device.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act, become effective on October 1, 2001.

3. Section 7 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2003, for all other purposes.

4. Section 8 of this act becomes effective on January 1, 2003.”.

Amend the title of the bill, seventh line, after “board;” by inserting: “providing for the issuance of uniform identification cards and devices to process claims for prescription drugs or devices;”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 442.

Bill read third time.

The following amendment was proposed by Assemblyman Lee:

Amendment No. 584.

Amend section 1, page 1, line 14, by deleting “[10]” and inserting: “at least 10 but”.

Amend section 1, pages 1 and 2, by deleting lines 16 and 17 on page 1 and lines 1 through 3 on page 2 and inserting:

“pursuant to the conditions prescribed in NRS 176.087.”.

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 653.

Bill read third time.

Remarks by Assemblymen Goldwater, Buckley, Beers, Arberry, McClain, Ocegüera and Williams.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen Arberry, Beers, Buckley, McClain, Ocegüera, Perkins and Williams.

Roll call on Assembly Bill No. 653:

YEAS—28.

NAYS—Angle, Arberry, Bache, Beers, Cegavske, Claborn, Collins, Giunchigliani, Gustavson, Marvel, Williams—11.

EXCUSED—Berman, Freeman, Ohrenschall—3.

Assembly Bill No. 653 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 587; Assembly Concurrent Resolutions Nos. 25, 26.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Schweyer, Virginia Vernon, Josh Gill, Anthony Hansen, Stephen Jaramillo, Zachary Martens, Dominick McKinney, Edwin Mendez, Chris Moore, Lisa Porter, Deanna Reed, Jennifer Reed, Beatrice Romero, Derek Schweisthal and Lara Ivashin.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 25, 2001 at 10:30 a.m., and that it do so in memory of former Assemblywoman Jan Evans.

Motion carried.

Assembly adjourned at 1:34 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

**The
Journal of the
Assembly**

**OF THE
SEVENTY-FIRST SESSION**

**OF THE
LEGISLATURE OF THE
STATE OF NEVADA**

2001



**BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND
ENDED ON MONDAY, THE FOURTH DAY OF JUNE**

VOLUME 2

**THE EIGHTIETH DAY—
THE ONE HUNDRED AND FOURTEENTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 3 FOR INDEX**

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THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 25, 2001

Assembly called to order at 10:39 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by the Chaplain, Reverend Luther Dupree.

Heavenly, Precious Father, in the name of Jesus, we come in humble submission to thee, Almighty God, who rules the heavens and the earth. Lord, you declared that the earth is the Lord's, and the fullness thereof; the world and they that dwell therein. I exhort, therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks be made for all men; for kings; and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty. So, Lord, we pray Your guidance and protection on all of the men and women in this legislative session. Guide their minds and their hearts as they contemplate laws that will affect us and the society in which we live. Laws that will affect not only us, but our children, and our children's children. I pray that it will not be about Republicans, Democrats or party lines, but for the betterment of mankind everywhere. Now, God, I thank You for this day, for it is a day that You have made, and we should rejoice and be glad in it.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 447, 619, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Constitutional Amendments, to which was referred Senate Joint Resolution No. 11 of the 70th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 657, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

Also, your Committee on Transportation, to which was referred Senate Bill No. 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 48, 119, 127, 163, 165, 242, 264, 265, 397, 409, 414, 466, 471, 484, 487, 519, 522, 524, 533, 536, 544, 546, 548, 556, 561, 566.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 413 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 391 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 63, 447, 448, 453, 460, 550, 619, 657 and Assembly Joint Resolution No. 12 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that the reading of the history of Senate Bills on Introduction be dispensed with for this legislative day.

Motion carried.

Senate Concurrent Resolution No. 7.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblymen McClain and Carpenter.

Resolution adopted.

Senate Concurrent Resolution No. 17.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblywoman Smith.

Resolution adopted.

By Assemblymen Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegueda, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 11—Expressing appreciation to the staff of the Assembly and designating April 25, 2001, as Assembly Staff Appreciation Day.

WHEREAS, The Nevada Legislature undertakes an enormous task every 2 years in the performance of its legislative duties on behalf of the residents of Nevada; and

WHEREAS, The smooth and efficient operation of the Nevada Legislature is largely dependent upon the dedication and abilities of the members of its staff; and

WHEREAS, Since the legislative session has been limited to 120 days, many extra demands have been placed on the staff by requiring them to learn and assimilate new skills at an accelerated rate and to process their work even more efficiently; and

WHEREAS, The bill clerks, secretaries, sergeants at arms, and clerical and support staff who serve as attachés of the Assembly have worked diligently and efficiently in their service to the members of the Assembly; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 71st session of the Nevada Legislature do hereby express their sincere appreciation and commend the outstanding support staff of the Assembly, which includes Harle Glover, Patty Williams, Lucinda Benjamin, Matthew Baker, Diane Keetch, Mary Matheus, Jason Hataway, Terry Sullivan, Mary G. Garcia, Marlo Harding, Charlene Morehead, Megan Strong, Gregorio D. Torres, Lucas Watson, Jeanne Douglass, Nanita Moore, Paula Winne, Kathryn Alden, Linda Corbett, Barbara Houger, Linda Cooper, Karen Crawford, Heather Collins, Reba Coombs, Cecile Crofoot, Kristi Geiser, Marge Griffin, Marilyn Jayne, Nykki Kinsley, Kelly Minton, Betty Phenix, Jackie L. Valley, Andrea Carothers, Cindy Clampitt, Lila Clark, Connie Davis, Mary Drake, Kathryn Ely, Kathryn Fosnaugh, Glenda Jacques, Sandra Albrecht-Johnson, Rebekah Langhoff, Virginia Letts, Cheryl Meyers, Gerlean Mosey, Linda Lee Nary, Darlene Nevin, Cheryl A. O'Day, Deborah Rengler, June Rigbsby, Darlene Rubin, Linda Smith, Carol J. Thomsen, Joan Tuntland, Linda Utt, Ann Van Nostrand, Eric Anderlohr,

Bonnie Aparicio, Mary Bean, Valorie Belknap, Stephany Corral, A. Louise Darden, Nancy Dickson, Donna Esposito, Jerlyn Figearo, Donna Hancock, Joyce G. Hess, Millicent Jorgenson, Connie Kight, Jaynese Knight, JoAnn Kula, Dawn Lee, Yhvona Martin, Carolyn J. Maynick, Jolene Jones Miley, Molly Mills, Patty Moody, Kathryn Oetting, Diane Rea, Sheila Sease, Jasmine Shackley, Janet Stokes, Claudette J. Thompson, Barbara Urbani, Novella Watson-Lee, Loretta White, June Bennett, Julayne McCarly LeBas, Maxine Milabar, Bruce Pfeiffer, Eddie Cordisco, Jr., Mary Carel, Jennifer Anzalone, Kenneth Beaton, Norm Budden, John Davis, Jr., David Dickson, Joyce E. Ghiselli, Juanita Heston, Steven Honey, Lois LaHair, Khristina Lamoreaux, Ray Mager, Bob Maynick, Reid Meyer, Kiyoshi Nishikawa, Jesse N. Pickett, Brandi Sargent, Laverne Souza-LaFleur, Elizabeth Tetz and W. Wayne Willson; and be it further

RESOLVED, That April 25, 2001, is hereby designated as Assembly Staff Appreciation Day in recognition of the dedicated and excellent service the staff of the Assembly has provided to the members of the Assembly and to the residents of this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the Assembly staff who is commended in this resolution.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Hettrick, Giunchigliani, Price, Smith and Mr. Speaker.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. How do you thank such a diverse, talented group of individuals? In our effort to serve the public and our constituents within our 120-day session, we are often rushed and fail to acknowledge the many people who make our operations work on a day-to-day basis. To the people we see every day—our Front Desk staff, our Sergeant at Arms staff, our own personal secretaries, our committee secretaries—and even to those who we see less of, such as those who work behind the scenes in clerical positions, in the bill room, in copying rooms—we offer our sincere appreciation to you on this professional staff day.

We especially want to acknowledge Nancy Dickson, who can't be with us today. We send our thanks and appreciation to Nancy. We also want to send a special thanks to all of those who are returning to the Legislature. The fact that you know us and that you work with us and come back—we're amazed. We know it doesn't speak well of us, but of you. For all of you who come back and give us your expertise, session after session, knowing all of our faults, because you want to serve us and the State of Nevada, we sincerely thank you. We are glad that we have this day while we are in session, so we can take a moment and acknowledge you when we should be doing it every day.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, want to rise in support of AR 11. The Majority Floor Leader expressed very well the appreciation we have for the staff that works in this building. I see familiar faces over there as I speak. The work which is done by the staff is truly not appreciated by the people who don't work in this building. But those of us who work in this building see the labor of love that these people put in. So much of it is done behind the scenes, without recognition of any kind. We simply can't express well enough to all of you, that we do understand what you do and how good you make us look and the amount of effort you put in that goes unrecognized by the general public. We want you to know that we truly appreciate the work you do. You make us look better. I don't know if you can make us look good. But you make us look better every day. We really do appreciate that.

In particular, I want to mention the bill room folks who just labor away early in the morning. No one sees them—they are generally in their room with the door closed. Nobody realizes that every single day these bill books on our desk are completely updated with every single reprint, in numerical order, put back so we can use them to function. The Constitution requires that the bills be back here in writing so we can view them if we need to and deal with them. Most people don't know the bill room even exists. I want to recognize their efforts as well as everyone else

that tolls behind the scenes. Each of you, please know how much it means to us the work you do here and the effort you put in on our behalf. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of AR 11. I think, maybe, the real fact of the matter is that you are not under appreciated, but you are the real bosses. We would not be successful in any way, shape or form if it wasn't for all of you. I just have a question, by a show of hands, how many of you are state employees and will be going back to another position or came from one in the first place? Well, the check will be in the mail. So, we might at least be able to do a little thank you to some of you for a salary increase. For the others, hang in there with us; it will be over sooner or later. We do appreciate everything you do.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks.

I will offer my gratitude as well. I think back to the welcome we had on the 2nd of January and the discussion we had then and what a big family we all became because of the 120-day session. I still believe that is true. There are always disagreements, but any family members can disagree. The Lord knows I fight with my sisters, like they are sisters. I think that is what happens here as well, but with in excess of 1200 or so bills we have to process, the thousands of phone calls, the e-mails, the letters. All the appointments each and every member of this body has to go through in order for us to accomplish some of the major issues for our state, whether it's our energy crisis, the budget, taxes, reapportionment at some point in time, education, that is so important to our state. It's you folks that get this job done. We could not do it and I think the citizens of the State of Nevada owe you a great debt of gratitude.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker, to you and through you, to our extended family. I have to tell you, like all of us, I am appreciative of everything that is done on our behalf. Over the years I have had the opportunity, as some of the other legislators have, to visit other legislatures around the country and look at their operation. I can tell you, honestly, there is not a House, Senate or Legislature in this country that is served better and more lovingly than we are, right here. It even goes to people out of the room here, right now. For example, the people who stay up all night at the printing office, reprinting everything so that it's back here in our bill books. The work that goes on around us is just incredible. I, along with every other member of this body, want to extend our loving and most sincere thanks.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. I, too, rise in support of AR 11. As a new member of the Assembly, I am certain that my two freshman colleagues would join me in saying that I am absolutely amazed at the staff. I had no idea we would be so well cared for and have so much assistance available to us. So, as a new person here, I want to thank everyone sincerely for all the work you do.

Resolution adopted unanimously.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 48.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 119.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 127.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 163.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 165.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 242.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 264.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 265.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 397.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 409.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 414.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 466.

Assemblywoman Buckley moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 471.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 484.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 487.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 519.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 522.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 524.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 533.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 536.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 544.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 546.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 548.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 556.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 561.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 566.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of the history of Assembly Bills on the General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 19.

Bill read third time.

Assemblyman Bache moved that Assembly Bill No. 19 be taken from the General File and be re-referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 619 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 407 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 341 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 207 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 405 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 130:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 179:

YEAS—34.

NAYS—Angle, Beers, Collins, Gibbons, Gustavson, Humke, Von Tobel—7.

EXCUSED—Freeman.

Assembly Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblymen Parnell, Price and Koivisto.

Roll call on Assembly Bill No. 195:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 198:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 248:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 253:

YEAS—40.

NAYS—Beers.

EXCUSED—Freeman.

Assembly Bill No. 253 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblymen Gibbons and Manendo.

Conflict of interest declared by Assemblywoman Gibbons.

Roll call on Assembly Bill No. 254:

YEAS—36.

NAYS—Beers, Gustavson, Hettrick, Humke—4.

NOT VOTING—Gibbons.

EXCUSED—Freeman.

Assembly Bill No. 254 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Roll call on Assembly Bill No. 271:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Remarks by Assemblymen Berman and Gustavson.

Conflict of interest declared by Assemblyman Gustavson.

Roll call on Assembly Bill No. 296:

YEAS—37.

NAYS—Giunchigliani, Lee—2.

NOT VOTING—Dini, Gustavson—2.

EXCUSED—Freeman.

Assembly Bill No. 296 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 331:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblymen Goldwater and Williams.

Roll call on Assembly Bill No. 364:

YEAS—40.

NAYS—Gibbons.

EXCUSED—Freeman.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

Roll call on Assembly Bill No. 375:

YEAS—40.

NAYS—Buckley.

EXCUSED—Freeman.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 402.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 402:

YEAS—39.

NAYS—Gibbons, Price—2.

EXCUSED—Freeman.

Assembly Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 415:

YEAS—40.

NAYS—Berman.

EXCUSED—Freeman.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 419.

Bill read third time.

Remarks by Assemblymen Buckley, Gustavson and de Braga.

Roll call on Assembly Bill No. 419:

YEAS—39.

NAYS—Anderson, Goldwater—2.

EXCUSED—Freeman.

Assembly Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 429:

YEAS—40.

NAYS—Humke.

EXCUSED—Freeman.

Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 442:

YEAS—30.

NAYS—Beers, Berman, Brower, Brown, Cegavske, Collins, Gustavson, Hettrick, Humke, Marvel, Von Tobel—11.

EXCUSED—Freeman.

Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Roll call on Assembly Bill No. 455:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblymen Oceguela, Cegavske, Giunchigliani, Collins and Bache.

Potential conflict of interest declared by Assemblyman Oceguela.

Roll call on Assembly Bill No. 458:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Remarks by Assemblymen Collins and Beers.

Roll call on Assembly Bill No. 462:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Freeman.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblymen Leslie and Gustavson.

Roll call on Assembly Bill No. 466:

YEAS—37.

NAYS—Buckley, Gibbons, Gustavson—3.

NOT VOTING—Dini.

EXCUSED—Freeman.

Assembly Bill No. 466 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblymen Beers and Buckley.

Assemblyman Dini moved that Assembly Bill No. 468 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

Assembly Bill No. 488.

Bill read third time.

Roll call on Assembly Bill No. 488:

YEAS—40.

NAYS—None.

NOT VOTING—Oceguera.

EXCUSED—Freeman.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Roll call on Assembly Bill No. 491:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read third time.

Remarks by Assemblymen Bache and Buckley.

Assemblywoman Buckley moved that Assembly Bill No. 537 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assembly Bill No. 552.

Bill read third time.

Roll call on Assembly Bill No. 552:

YEAS—40

NAYS—Collins.

EXCUSED—Freeman.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 571.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 571:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 571 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

Bill read third time.

Remarks by Assemblymen Anderson, Carpenter, Gustavson, Lee, Nolan, Gibbons, Giunchigliani, Beers and Collins.

Mr. Speaker requested the privilege of the chair for the purpose of making remarks.

Conflict of interest declared by Assemblyman Gustavson.

Roll call on Assembly Bill No. 578:

YEAS—21.

NAYS—Angle, Beers, Berman, Brown, Carpenter, Cegavske, Chowning, de Braga, Giunchigliani, Gustavson, Hettrick, Koivisto, Lee, Nolan, Price, Smith, Tiffany, Von Tobel—18.

NOT VOTING—Brower, Dini—2.

EXCUSED—Freeman.

Assembly Bill No. 578 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Assembly Bill No. 601.

Bill read third time.

Roll call on Assembly Bill No. 601:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 601 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 296 was this day passed.

Assemblyman Arberry moved that Assembly Bill No. 630 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 622.

Bill read third time.

Roll call on Assembly Bill No. 622:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Freeman.

Assembly Bill No. 622 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Manendo and Goldwater.

Roll call on Assembly Joint Resolution No. 13:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 413.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 587.

Amend section 1, page 1, line 10, by deleting: "*affect adversely the continued existence*" and inserting: "*preempt all of the statutory powers and duties*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 2001, and expires by limitation on July 1, 2003."

Amend the title of the bill, second and third lines, by deleting:

“affect adversely the continued existence” and inserting: “preempt all of the statutory powers and duties”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 407.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 601.

Amend section 1, page 1, line 5, by deleting “project.” and inserting: “project [-], *other than a project to construct, repair or reconstruct dwelling units for low-income households.*”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblymen Buckley, Angle, Ohrenschall, Carpenter and Manendo.

Conflict of interest declared by Assemblymen Angle and Carpenter.

Roll call on Assembly Bill No. 341:

YEAS—25.

NAYS—Beers, Berman, Brower, Brown, Cegavske, de Braga, Dini, Goldwater, Gustavson, Hettrick, Lee, Marvel, Tiffany, Von Tobel—14.

NOT VOTING—Angle, Carpenter—2.

EXCUSED—Freeman.

Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 131, 225, 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 654, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 131, 225, 434, 556, 563 and 654 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 619 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:26 p.m.

ASSEMBLY IN SESSION

At 1:39 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Beers gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 578 was this day refused passage.

SECOND READING AND AMENDMENT

Senate Bill No. 271.

Bill read second time and ordered to third reading.

Assembly Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 391.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

“Section 1. NRS 278.160 is hereby amended to read as follows:

278.160 1. The master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including , *without limitation*, water and its hydraulic force, underground water, water supply, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include ~~[, but is not limited to:]~~ , *without limitation*:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan may include a provision

concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor, including , *without limitation*, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including , *without limitation*, natural reservations, parks, parkways, *trails*, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including , *without limitation*, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed system of transit lines, including rapid transit, streetcar, motorcoach and trolley coach lines and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including , *without limitation*, locations of rights of way, terminals, viaducts

and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 2. NRS 278.4781 is hereby amended to read as follows:

278.4781 1. "Landscaping" means trees, shrubs, grass and other ornamentation, whether *or not* natural or artificial, ~~and~~ located:

(a) *On the perimeter of a development or subdivision.*

(b) *On a median strip on the perimeter of a development or subdivision.*

2. The term includes drainage necessary for the maintenance ~~thereof~~ of the landscaping described in subsection 1.

Sec. 3. NRS 278.4787 is hereby amended to read as follows:

278.4787 1. ~~[A]~~ Except as otherwise provided in subsection 5, a person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to 278.460, inclusive, or chapter 278A of NRS, may, in lieu of providing for the creation of an association for a common-interest community, request the governing body of the jurisdiction in which the land is located to assume the maintenance of one or more of the following improvements located on the land:

(a) Landscaping;

(b) Public lighting; ~~and~~

(c) Security walls ~~[-~~

~~2. A request made~~; and

(d) *Trails, parks and open space which provide a substantial public benefit or which are required by the governing body for the primary use of the public.*

2. *A governing body shall establish by ordinance a procedure pursuant to which a request may be submitted pursuant to subsection 1 ~~[must be made]~~ in the form of a petition, which must be signed by a majority of the owners whose property will be assessed ~~[pursuant to subsection 3]~~ and which must set forth descriptions of all tracts of land or residential units that would be subject to such an assessment.*

3. ~~[Upon receipt of the petition,]~~ *The governing body may by ordinance designate a person to approve or disapprove a petition submitted pursuant to this section. If the governing body adopts such an ordinance, the ordinance must provide, without limitation:*

(a) *Procedures pursuant to which the petition must be reviewed to determine whether it would be desirable for the governing body to assume the maintenance of the proposed improvements.*

(b) *Procedures for the establishment of a maintenance district or unit of assessment.*

(c) *A method for:*

(1) *Determining the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:*

(I) *Benefit the development or subdivision in which the improvements are located; and*

(II) *Benefit the public;*

(2) *Assessing the tracts of land or residential units in the development or subdivision to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the development or subdivision in which the improvements are located; and*

(3) *Allocating an amount of public money to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the public.*

(d) *Procedures for a petitioner or other aggrieved person to appeal to the governing body a decision of the person designated by the governing body by ordinance adopted pursuant to this subsection to approve or disapprove a petition.*

4. *If the governing body does not designate by an ordinance adopted pursuant to subsection 3 a person to approve or disapprove a petition, the governing body shall, after receipt of a complete petition submitted at least 120 days before the approval of the final map for the land, hold a public hearing at least 90 days before the approval of the final map for the land, unless otherwise waived by the governing body, to determine the desirability of assuming the maintenance of the proposed improvements. If the governing body determines that it would be undesirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall specify for the record its reasons for that determination. If the governing body determines that it would be desirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall by ordinance:*

(a) *Determine the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:*

(1) *Benefit the development or subdivision in which the improvements are located; and*

(2) *Benefit the public.*

(b) *Create a maintenance district or unit of assessment consisting of the tracts of land or residential units set forth in the petition* ~~[-~~

~~(b)]~~ *or include the tracts of land or residential units set forth in the petition in an existing maintenance district or unit of assessment.*

(c) *Establish the method or, if the tracts or units are included within an existing maintenance district or unit of assessment, apply an existing method for determining* ~~[the]~~ *:*

(1) *The amount of an assessment ~~[for the cost of the maintenance assumed]~~ to pay the costs that will be incurred by the governing body ~~[and the]~~ in assuming the maintenance of the proposed improvements. The amount of the assessment must be determined in accordance with the proportion to which such maintenance will benefit the development or subdivision in which the improvements are located.*

(2) *The time and manner of payment of the assessment.*

~~[(e)]~~ (d) *Provide that the assessment constitutes a lien upon the tracts of land or residential units ~~[thereon]~~ within the maintenance district or unit of assessment. The lien must be executed, and has the same priority, as a lien for property taxes.*

~~[(d)]~~ (e) *Prescribe the levels of maintenance to be provided.*

~~[(e)]~~ *Determine the amount by which the public interest will benefit from the provision of the maintenance and allocate*

(f) *Allocate to the cost of providing the maintenance the appropriate amount of public money to pay for that part of the maintenance which creates the public benefit.*

~~[(f)]~~ (g) *Address any other matters that the governing body determines to be relevant to the maintenance of the improvements ~~[~~*

4.] , including, without limitation, matters relating to the ownership of the improvements and the land on which the improvements are located and any exposure to liability associated with the maintenance of the improvements.

5. *If the governing body requires an owner of land to dedicate a tract of land as a trail identified in the recreation plan of the governing body adopted pursuant to paragraph (j) of subsection 1 of NRS 278.160, the governing body shall:*

(a) *Accept ownership of the tract; and*

(b) *Assume the maintenance of the tract and any other improvement located on the land that is authorized in subsection 1.*

6. *The governing body shall record, in the office of the county recorder for the county in which the tracts of land or residential units included in a petition approved pursuant to this section are located, a notice of the creation of the maintenance district or unit of assessment that is sufficient to advise the owners of the tracts of land or residential units that the tracts of land or residential units are subject to the assessment. The costs of recording the notice must be paid by the petitioner.*

7. *The provisions of this section apply retroactively to a development or subdivision with respect to which:*

(a) *An agreement or agreements between the owners of tracts of land within the development or subdivision and the developer allow for the provision of services in the manner set forth in this section; or*

(b) ~~[All of the]~~ *The owners of affected tracts of land or residential units agree ~~[in writing to be bound by the provisions of]~~ to dissolve the association for their common-interest community in accordance with the governing*

documents of the common-interest community upon approval by the governing body of a petition filed by the owners pursuant to this section.

Sec. 4. Notwithstanding the amendatory provisions of subsection 2 of NRS 278.4787, a governing body shall adopt the ordinance required pursuant to that subsection on or before October 1, 2001.

Sec. 5. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to real property; revising the provisions governing the maintenance of certain improvements in subdivisions and planned unit developments; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing maintenance of certain improvements in subdivisions and planned unit developments. (BDR 22-994)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 447.

Bill read second time.

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

Amendment No. 442.

Amend sec. 11, page 2, by deleting line 12 and inserting:

“Sec. 11. *It is an unfair lending practice for a lender to:*

1. *Require a”.*

Amend sec. 11, page 2, by deleting lines 17 through 40 and inserting:

“2. *Knowingly or intentionally make a home loan to a borrower based solely upon the equity of the borrower in the home property and without determining that the borrower has the ability to repay the home loan from other assets.*

3. *Finance a prepayment fee or penalty in connection with the refinancing of an existing home loan.*

4. *Finance, directly or indirectly in connection with a home loan, any credit insurance, life insurance, disability insurance, health insurance, involuntary unemployment insurance or any other similar form of insurance premiums, unless, before the borrower executes the financing documents, the lender completes and executes, and the borrower executes, a notice in substantially the following form:*

INSURANCE NOTICE TO BORROWERS

You have indicated that you are electing to purchase insurance in conjunction with this loan. THE COST OF THIS INSURANCE is being

PREPAID AND FINANCED AT THE INTEREST RATE PROVIDED FOR THIS LOAN. THE INSURANCE IS NOT REQUIRED as a condition of closing this loan, but has been included with the loan at your request.

YOU HAVE THE RIGHT TO CANCEL THIS INSURANCE AFTER PURCHASE.

THE COST OF THIS INSURANCE WITHOUT FINANCING IS _____.

THE COST OF THIS INSURANCE WITH FINANCING IS _____.

YOUR REGULAR MORTGAGE PAYMENT WITHOUT THIS INSURANCE WOULD BE \$_____ EACH MONTH, AS COMPARED TO A MONTHLY MORTGAGE PAYMENT OF \$_____ WHEN THE INSURANCE IS ADDED TO THE AMOUNT YOU ARE BORROWING AND FINANCED AS A PART OF YOUR MORTGAGE, A DIFFERENCE OF \$_____ EACH MONTH.

(Signature of Lender)

(Signature of Borrower)".

Amend sec. 12, page 2, line 41, after "12." by inserting "1."

Amend sec. 12, page 2, by deleting line 42 and inserting: "described in this chapter is guilty of a misdemeanor.

2. If, on or after October 1, 2001, a lender engages in any unfair lending practice described in this chapter in connection with a home loan, the home property for which the mortgage, deed of trust or other instrument was given as security for the repayment of the home loan shall be deemed to be exempt from:

(a) Any foreclosure sale, trustee's sale or other sale to enforce the home loan; and

(b) Any execution issued upon a judgment to enforce the home loan."

Amend sec. 13, page 2, line 44, by deleting "prohibited by" and inserting "described in".

Amend the bill as a whole by renumbering sections 16 through 18 as sections 17 through 19 and adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section:

(a) Private libraries not to exceed \$1,500 in value, and all family pictures and keepsakes.

(b) Necessary household goods, as defined in 16 C.F.R. § 444.1(i) as that section existed on January 1, 1987, and yard equipment, not to exceed \$3,000 in value, belonging to the judgment debtor to be selected by him.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, office equipment, office supplies and the tools, instruments and materials used to carry on the trade of the judgment debtor for the support of himself and his family not to exceed \$4,500 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor's equity does not exceed \$4,500 or the creditor is paid an amount equal to any excess above that equity.

(g) For any pay period, 75 percent of the disposable earnings of a judgment debtor during that period, or for each week of the period 30 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph, "disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law, to be withheld.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this state.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this state, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed \$1,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the \$1,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$125,000 in value and the dwelling is situate upon lands not owned by him.

(n) All property in this state of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of 26 U.S.C. § 408;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code; and

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, ~~{[} 26 U.S.C. §§ 401 et seq. }~~

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the state.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

2. Except as otherwise provided in NRS 115.010 ~~{[}~~ *and section 12 of this act*, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978 ~~{(92 Stat. 2586)}~~, *11 U.S.C. § 522(d)*, do not apply to property owned by a resident of this state unless conferred also by subsection 1, as limited by subsection 2, of this section.”.

Amend sec. 16, page 3, by deleting lines 25 and 26 and inserting:

“690A.100 ~~{The}~~ *Except as otherwise provided in subsection 4 of section 11 of this act, the premium or other”.*

Amend sec. 17, page 3, by deleting lines 31 and 32 and inserting:

“690A.110 The premium or cost of”.

Amend sec. 17, page 3, line 36, after “transaction, and” by inserting: “, except as otherwise provided in sections 2 to 15, inclusive, of this act.”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 448.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 501.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

“1. *A person may not operate railroad gaming without obtaining a restricted license for railroad gaming from the commission.*”.

Amend section 1, page 1, line 7, by deleting “nonrestricted” and inserting “restricted”.

Amend section 1, page 1, line 13, before “railroad” by inserting “historic”.

Amend section 1, page 1, line 15, by deleting: “device or game or”.

Amend section 1, page 2, by deleting lines 1 through 6 and inserting:

“3. *The commission shall adopt regulations governing the licensing and operation of railroad gaming.*

4. *As used in this section:*

(a) *“Historic railroad train” means a steam, electric or other motor locomotive of historic distinction, with or without railroad cars coupled thereto, which travels upon stationary rails within this state and which is operated by a nonprofit organization. The term does not include a streetcar.*

(b) *“Railroad gaming” means the operation of slot machines on a historic railroad train.*”.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 463.0189 is hereby amended to read as follows:

463.0189 “Restricted license” or “restricted operation” means a state gaming license for, or an operation consisting of, not more than 15 slot machines and no other game or gaming device ~~at~~ :

1. *At an establishment in which the operation of slot machines is incidental to the primary business of the establishment ~~at~~ ; or*

2. *On a historic railroad train as defined in section 1 of this act.*”.

Amend sec. 2, page 2, line 10, by deleting “purchase and”.

Amend the title of the bill, fourth line, by deleting “purchase and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for licensing and operation of railroad gaming and makes appropriation to White Pine County for repair of trains and renovation of track. (BDR 41-1066).”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 351.

Amend sec. 13, page 2, by deleting lines 31 through 34 and inserting:

“Sec. 13. *“Medical use of marijuana” means:*

1. *The possession, delivery, production or use of marijuana;*
2. *The possession, delivery or use of paraphernalia used to administer marijuana; or*
3. *Any combination of the acts described in subsections 1 and 2, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his chronic or debilitating medical condition.”.*

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

“Sec. 13.5. *“Production” has the meaning ascribed to it in NRS 453.131.”.*

Amend sec. 14, page 2, line 36, after “department” by inserting: “or its designee”.

Amend sec. 17, page 3, by deleting lines 6 through 10 and inserting:

- “(a) *Possession, delivery or production of marijuana;*
(b) *Possession or delivery of drug paraphernalia;*
(c) *Aiding and abetting another in the possession, delivery or production of marijuana;*
(d) *Aiding and abetting another in the possession or delivery of drug paraphernalia;*
(e) *Any combination of the acts described in paragraphs (a) to (d), inclusive; and*
(f) *Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of drug paraphernalia is an element.”.*

Amend sec. 18, page 3, by deleting lines 25 through 33 and inserting: “*the designated primary caregiver of such a person, if any, may not, at any one time, collectively possess, deliver or produce more than:*

- (a) *One ounce of usable marijuana;*
 - (b) *Three mature marijuana plants; and*
 - (c) *Four immature marijuana plants.*
2. *If the persons described in subsection 1 possess, deliver or produce marijuana in an amount which exceeds the amount allowed pursuant to that subsection, those persons:*

(a) *Are not exempt from state prosecution for possession, delivery or production of marijuana.*

(b) *May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in section 25 of this act.”.*

Amend sec. 19, page 3, by deleting lines 38 through 40 and inserting: *“department or its designee shall issue a registry identification card to a person who submits an application on a form prescribed by the department”.*

Amend sec. 19, page 4, line 1, by deleting *“photograph,”*.

Amend sec. 19, page 4, line 7, by deleting *“, photograph”*.

Amend sec. 19, page 4, by deleting lines 12 through 17 and inserting:

“3. The department or its designee shall issue a registry identification card to a person who is under 18 years of age if:

(a) The person submits the materials required”.

Amend sec. 19, page 5, between lines 5 and 6, by inserting: *“The central repository for Nevada records of criminal history shall report to the department its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The board of medical examiners shall report to the department its findings as to the licensure and standing of the applicant’s attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).”.*

Amend sec. 20, page 6, by deleting lines 14 and 15 and inserting: *“subsection 5 of section 19 of this act, the department or its designee shall, as soon as practicable after the department approves the application.”.*

Amend sec. 21, page 6, line 41, after *“department”* by inserting: *“or its designee”.*

Amend sec. 21, page 7, line 8, after *“marijuana,”* by inserting *“and”*.

Amend sec. 21, page 7, line 12, by deleting *“, photograph”*.

Amend sec. 21, page 7, by deleting lines 16 through 29 and inserting: *“caregiver.*

2. A person to whom the department or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of section 20 of this act or pursuant to section 23 of this act shall, in accordance with regulations adopted by the department, notify the department of any change in his name, address, telephone number or the identity of the person for whom he acts as designated primary caregiver.”.

Amend sec. 21, page 7, line 33, before *“issued”* by inserting: *“or its designee”.*

Amend sec. 21, page 7, line 36, after *“expired.”* by inserting: *“Upon the deemed expiration of a registry identification card pursuant to this subsection:*

(a) The department shall send, by certified mail, return receipt requested, notice to the person whose registry identification card has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his registry identification card to the department within 7 days after receiving the notice sent pursuant to paragraph (a).”.

Amend sec. 22, page 7, line 37, after “department” by inserting: “or its designee”.

Amend sec. 23, page 7, line 45, after “department” by inserting: “or its designee”.

Amend sec. 23, pages 7 and 8, by deleting lines 48 and 49 on page 7 and lines 1 through 7 on page 8 and inserting:

“(a) To designate a primary caregiver at the time of application, submit to the department the information required pursuant to paragraph (d) of subsection 2 of section 19 of this act; or

(b) To designate a primary caregiver after the department or its designee has issued a registry identification card to him, submit to the department the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section 21 of this act.”.

Amend sec. 23, page 8, line 11, after “department” by inserting: “or its designee”.

Amend sec. 23, page 8, line 14, by deleting: “within 5 days” and inserting: “as soon as practicable”.

Amend sec. 24, page 8, by deleting lines 16 through 21 and inserting:

“Sec. 24. 1. A person who is authorized to engage or assist in the medical use of marijuana pursuant to the provisions of this chapter is not exempt from state prosecution for, nor may he use his authorization to engage or assist in the medical use of marijuana to establish an affirmative defense to charges arising from, any of the following acts:”.

Amend sec. 24, page 8, line 40, before “pursuant” by inserting: “or its designee”.

Amend sec. 24, page 8, line 43, after “department” by inserting: “or its designee”.

Amend sec. 25, page 9, by deleting lines 3 and 4 and inserting: “charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that”.

Amend sec. 25, page 9, line 13, by deleting “or delivers” and inserting: “, delivers or produces”.

Amend sec. 25, page 9, line 22, by deleting “or delivers” and inserting: “, delivers or produces”.

Amend sec. 25, page 9, by deleting line 29 and inserting: “by the department or its designee pursuant to section 20 or 23 of this act to assert an”.

Amend sec. 25, page 9, by deleting lines 31 and 32 and inserting:

“3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting

in the medical use of marijuana who is charged with a crime pertaining to the medical use”.

Amend sec. 26, page 10, line 6, after “department” by inserting: “or its designee”.

Amend sec. 26, page 10, by deleting lines 11 and 12 and inserting:

“2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, drug paraphernalia or other related property from a person engaged”.

Amend sec. 26, page 10, line 15, after “other” by inserting “related”.

Amend sec. 26, page 10, line 18, after “other” by inserting “related”.

Amend sec. 26, page 10, line 23, after “other” by inserting “related”.

Amend sec. 26, page 10, line 25, after “other” by inserting “related”.

Amend sec. 26, page 10, by deleting lines 28 and 29 and inserting: “person any usable marijuana, marijuana plants, drug paraphernalia or other related property that was seized.

The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.”.

Amend sec. 29, page 11, line 29, after “department” by inserting: “or its designee”.

Amend sec. 29, page 11, line 32, after “department” by inserting: “or its designee”.

Amend sec. 31, page 12, by deleting line 14 and inserting: “possession, delivery or production of marijuana or the possession or delivery of drug paraphernalia in a manner”.

Amend sec. 32, page 12, by deleting lines 19 through 23 and inserting:

“1. Procedures pursuant to which the state department of agriculture will, in cooperation with the department of motor vehicles and public safety, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the state department of agriculture will:

(a) Issue a registry identification card to a qualified person after the card has been prepared by the department of motor vehicles and public safety; or

(b) Designate the department of motor vehicles and public safety to issue a registry identification card to a person if:

(1) The person presents to the department of motor vehicles and public safety valid documentation issued by the state department of agriculture indicating that the state department of agriculture has approved the issuance of a registry identification card to the person; and

(2) The department of motor vehicles and public safety, before issuing the registry identification card, confirms by telephone or other reliable means that the state department of agriculture has approved the issuance of a registry identification card to the person.

2. Criteria for determining whether a marijuana plant is a mature marijuana plant or an immature marijuana plant.”.

Amend sec. 36, page 12, by deleting line 41 and inserting “department;”.

Amend sec. 37, pages 13 and 14, by deleting line 49 on page 13 and lines 1 through 26 on page 14 and inserting: “~~possibility of rehabilitation and any other relevant information.~~”

~~6.]~~ *Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:*

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; and

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; and

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$1,000 nor more than \$2,000.

5. As used in this section, “controlled substance” includes”.

Amend the bill as a whole by deleting sec. 43 and adding:

“Sec. 43. (Deleted by amendment.)”.

Amend sec. 48, page 23, by deleting lines 22 through 37 and inserting:

“Sec. 48. 1. There is hereby appropriated from the state general fund to the state department of agriculture the sum of \$50,000 to carry out the provisions of sections 2 to 33, inclusive, of this act.

2. The money appropriated pursuant to subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding available to the state department of agriculture to carry out the provisions of sections 2 to 33, inclusive, of this act.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend the title of the bill to read as follows:

“AN ACT relating to controlled substances; authorizing the medical use of marijuana in certain circumstances; revising the penalties for possessing marijuana; making an appropriation; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 592.

Amend section 1, pages 1 through 3, by deleting lines 8 through 21 on page 1, lines 1 through 49 on page 2 and lines 1 and 2 on page 3, and inserting:

~~"2. On or before [January 31 of each year,] the last day of the month following each calendar quarter,~~ the short-term lessor shall:

(a) File with the department of taxation and the department of motor vehicles and public safety, on a form prescribed by the department of taxation, a report indicating the total amount of:

(1) Fees collected by the short-term lessor during the immediately preceding ~~[year]~~ *calendar quarter* pursuant to this section; and

(2) Vehicle licensing fees and taxes paid by the short-term lessor during the immediately preceding ~~[year]~~ *calendar quarter* pursuant to this chapter.

(b) Remit to the department of taxation ~~[-~~:

~~(1) One-third] one-third of the fees collected by the short-term lessor during the immediately preceding [year] calendar quarter pursuant to this section . [- and~~

~~(2) Of the remainder of those fees, any amount]~~

3. *On or before January 31 of each year, the short-term lessor shall remit to the department of taxation the amount of the remainder of the fees collected by the short-term lessor during the immediately preceding year pursuant to this section that is in excess of the total amount of vehicle licensing fees and taxes paid by the short-term lessor during the immediately preceding year pursuant to this chapter.*

~~[3.]~~ 4. The department of taxation shall deposit all money received from short-term lessors pursuant to the provisions of this section with the state treasurer for credit to the state general fund.

~~[4.]~~ 5. To ensure compliance with this section, the department of taxation may audit the records of a short-term lessor.

~~[5.]~~ 6. The provisions of this section do not limit or affect the payment of any taxes or fees imposed pursuant to the provisions of this chapter.

~~[6.]~~ 7. The department of motor vehicles and public safety shall, upon request, provide to the department of taxation any information in its records relating to a short-term lessor that the department of taxation considers necessary to collect the fee required by this section.

~~[7.]~~ 8. As used in this section, "vehicle licensing fees and taxes" means:

(a) The fees paid by a short-term lessor for the registration of, and the issuance of certificates of title for, the passenger cars leased by him; and

(b) The basic and supplemental governmental services taxes paid by the short-term lessor with regard to those passenger cars."

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend sec. 3, page 3, line 37, by deleting:

“July 1, 2001.” and inserting: “January 1, 2002.”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; revising provisions governing the remission of fees by short-term lessors of passenger cars to the department of taxation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing remission of fees collected by short-term lessors of passenger cars to department of taxation. (BDR 43-589)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Assemblywoman Chowning moved that upon return from the printer Assembly Bill No. 460 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 550.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 507.

Amend section 1, page 1, by deleting lines 6 through 16 and inserting: “*medication*.”.

2. *A medication may be administered to a client despite his refusal if an emergency exists in which immediate intervention is necessary to:*

(a) *Protect the client from inflicting serious harm to himself; or*

(b) *Prevent the client from inflicting serious harm to other persons.*

3. *A psychotropic medication may be administered to a client despite his refusal pursuant to a court order, issued after a full and fair adversarial”.*

Amend section 1, page 2, line 1, by deleting “(1)” and inserting “(a)”.

Amend section 1, page 2, by deleting line 3 and inserting:

“(b) *Treatment by psychotropic medication is necessary to prevent a”.*

Amend section 1, page 2, line 7, by deleting “(3)” and inserting “(c)”.

Amend section 1, page 2, by deleting line 8, and inserting:

“(d) *The need of the client for treatment by psychotropic medication”.*

Amend section 1, page 2, line 11, by deleting “3.” and inserting “4.”.

Amend section 1, page 2, by deleting line 12 and inserting: “*to subsection* 3.

5. *As used in this section, “emergency” has the meaning ascribed to it in NRS 433.5466.”.*

Amend the bill as a whole by deleting section 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend the bill as a whole by deleting sections 6 through 11 and renumbering sections 12 through 14 as sections 5 through 7.

Amend sec. 12, page 5, by deleting lines 35 through 41 and inserting: “mental health facility or hospital under subsection 1 must ~~not be detained in excess of~~ *be released within 72 hours, including [Saturdays and Sundays,] weekends and holidays,* from the time of his admission unless within that period a written petition for an involuntary court-ordered admission ~~has been~~ *is* filed with the clerk of the district court pursuant to NRS 433A.200 ~~[.]~~ *or the status of the person is changed to a voluntary admission.*”.

Amend sec. 13, page 6, line 2, by deleting “An” and inserting: “Except as otherwise provided in subsection 2, an”.

Amend sec. 13, page 6, line 24, by deleting “magistrate” and inserting “district court”.

Amend sec. 13, page 6, by deleting lines 31 through 33 and inserting: “The district court may issue such an order only if it is satisfied that”.

Amend sec. 13, page 6, line 37, after “2.” by inserting: “An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian may:

(a) Apply to a district court for an order described in paragraph (b) of subsection 1; or

(b) Apply to the district attorney of the county where the allegedly mentally ill person is found to have the district attorney apply for an order described in paragraph (b) of subsection 1. A district attorney who receives an application pursuant to this paragraph shall inform the applicant of the provisions of NRS 433A.750 and review the application to determine whether in his opinion there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty. If the district attorney determines that such probable cause exists, he may, in his discretion, apply to a district court for an order described in paragraph (b) of subsection 1.

3.”.

Amend sec. 13, page 6, line 41, by deleting “3.” and inserting “[~~3.~~] 4.”.

Amend sec. 13, page 6, line 44, by deleting “2” and inserting “[~~2~~] 3”.

Amend sec. 13, page 6, by deleting line 46 and inserting:

“~~[4. Any person who has reason to believe that another person is~~”.

Amend sec. 13, page 7, by deleting lines 7 and 8 and inserting: “~~emergency admission provisions of NRS 433A.150.]~~

5. Except as otherwise provided in this subsection, each person”.

Amend the bill as a whole by deleting sec. 15 and renumbering sections 16 through 23 as sections 8 through 15.

Amend sec. 17, page 8, by deleting lines 29 through 32 and inserting: “pursuant to NRS 433A.160 ~~[with respect to the person detained;]~~ ; and

2. A petition executed by a psychiatrist, licensed psychologist or physician ~~[certifying that he]~~ , including, without limitation, a sworn statement that:

(a) ~~He has examined the person alleged to be mentally ill [and has concluded that as a result of mental illness the person is likely to].~~

Amend sec. 17, page 8, by deleting lines 37 through 39 and inserting: ~~“filing of the petition.”;~~

(b) *In his opinion, there is a reasonable degree of certainty that the person alleged to be mentally ill suffers from a mental illness;*

(c) *Based on his personal observation of the person alleged to be mentally ill and other facts set forth in the petition, the person poses a risk of imminent harm to himself or others; and*

(d) *In his opinion, involuntary admission of the person alleged to be mentally ill to a mental health facility or hospital is medically necessary to prevent the person from harming himself or others.”.*

Amend sec. 18, page 8, line 42, by deleting: “, ~~for 433A.210,~~” and inserting “or 433A.210,”.

Amend sec. 18, pages 8 and 9, by deleting lines 44 through 48 on page 8 and lines 1 through 12 on page 9, and inserting: “time, date and place for its hearing. The date must be ~~;~~

(a) ~~Within 14 calendar days after the date on which the petition is received by the clerk;~~

(b) ~~If at the time the petition is received by the clerk the subject of the petition was admitted to a hospital or public or private mental health facility pursuant to NRS 433A.160, within 5 judicial days after the date on which the petition is received by the clerk; or~~

(c) ~~If the district attorney filed a petition for the emergency admission of the subject of the petition,~~ within 5 judicial days after the date on which the petition is received by the clerk.”.

Amend sec. 19, page 9, line 25, by deleting: “, ~~for 433A.210,~~” and inserting “or 433A.210,”.

Amend sec. 19, page 9, by deleting lines 34 through 41 and inserting: “facility or hospital where he may be detained until a hearing is had upon the petition.

3. ~~[Unless]~~ *If the person is ~~[admitted]~~ not being detained under an emergency”.*

Amend sec. 19, page 10, by deleting lines 1 through 13 and inserting:

“4. Except as otherwise provided in this subsection, each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to NRS 433A.220, submit to the court in writing a summary of his findings and evaluation regarding the person alleged to be mentally ill. If the person alleged to be mentally ill is admitted under an emergency admission pursuant to NRS ~~433A.145~~ or 433A.150, the written findings and evaluation must be

submitted to the court not later than 24 hours before the hearing set pursuant to ~~paragraph (b) of~~ subsection 1 of NRS 433A.220.”

Amend sec. 20, page 10, by deleting lines 16 through 20 and inserting: “friend on his behalf is entitled to retain counsel to represent him in any proceeding before the district court relating to involuntary court-ordered admission, and if he fails or refuses to obtain counsel, the court shall advise him and”.

Amend sec. 20, page 10, by deleting lines 24 and 25 and inserting: “awarded compensation by the court for his services in an amount determined by it to be fair and”.

Amend sec. 20, page 10, by deleting lines 30 through 34 and inserting:

“3. The court shall, at the request of ~~any counsel,~~ *counsel representing the allegedly mentally ill person in proceedings before the court relating to involuntary court-ordered admission*, grant a recess in the proceedings for *the shortest time possible, but for not more than 5 days*, to give the counsel an opportunity to prepare his case.”.

Amend sec. 20, page 10, lines 39 and 40, by deleting: “. ~~for 433A.210.~~” and inserting “or 433A.210.”.

Amend sec. 22, page 11, lines 28 and 29, by deleting: “*and section 8 of this act,*”.

Amend sec. 23, page 12, line 13, by deleting “*antipsychotic*” and inserting “*psychotropic*”.

Amend the bill as a whole by renumbering sections 24 through 27 as sections 17 through 20 and adding a new section, designated sec. 16, following sec. 23, to read as follows:

“Sec. 16. NRS 449.710 is hereby amended to read as follows:

449.710 Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

1. Receive information concerning any other medical or educational facility or facility for the dependent associated with the facility at which he is a patient which relates to his care.

2. Obtain information concerning the professional qualifications or associations of the persons who are treating him.

3. Receive the name of the person responsible for coordinating his care in the facility or home.

4. Be advised if the facility in which he is a patient proposes to perform experiments on patients which affect his own care or treatment.

5. Receive from his physician a complete and current description of his diagnosis, plan for treatment and prognosis in terms which he is able to understand. If it is not medically advisable to give this information to the patient, the physician shall:

- (a) Provide the information to an appropriate person responsible for the patient; and

- (b) Inform that person that he shall not disclose the information to the patient.

6. Receive from his physician the information necessary for him to give his informed consent to a procedure or treatment. Except in an emergency, this information must not be limited to a specific procedure or treatment and must include:

- (a) A description of the significant medical risks involved;
- (b) Any information on alternatives to the treatment or procedure if he requests that information;
- (c) The name of the person responsible for the procedure or treatment; and
- (d) The costs likely to be incurred for the treatment or procedure and any alternative treatment or procedure.

7. Examine the bill for his care and receive an explanation of the bill, whether or not he is personally responsible for payment of the bill.

8. Know the regulations of the facility or home concerning his conduct at the facility or home.

9. *Receive, within reasonable restrictions as to time and place, visitors of his choosing, including, without limitation, friends and members of his family.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to health; restricting the authority of a mental health facility to override a client’s refusal of medication; making various changes to procedures for the detention and civil commitment of mentally ill persons; expanding the rights of patients of certain health care facilities; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing rights of clients of mental health facilities and patients of health care facilities and revises procedures for detention and civil commitment of mentally ill persons. (BDR 39-1479)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 657.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 446.

Amend sec. 3, page 2, by deleting lines 12 and 13 and inserting:

“(b) *All parts and components*”.

Amend sec. 3, page 2, line 15, by deleting “*vehicle*.” and inserting: “*vehicle*;

(c) *All motor vehicles used by professional racing teams to transport professional racing vehicles or to transport parts or components of professional racing vehicles, including, without limitation, an engine and chassis of a professional racing vehicle; and*

(d) All motor vehicles used by a professional racing team or sanctioning body to transport the business office of the professional racing team or sanctioning body or to transport a facility from which hospitality services are provided.”.

Amend sec. 3, page 2, by deleting lines 17 through 22.

Amend sec. 3, page 2, line 23, by deleting “(b)” and inserting “(a)”.

Amend sec. 3, page 2, line 27, by deleting “(c)” and inserting “(b)”.

Amend sec. 3, page 2, between lines 29 and 30, by inserting:

“(c) “Sanctioning body” means an organization that establishes an annual schedule of professional racing events in which professional racing teams participate, grants rights to conduct such events and establishes and administers rules and regulations governing the persons who conduct or participate in such events.”.

Amend sec. 5, page 3, by deleting lines 1 through 3 and inserting: “operated by professional racing teams. The legislature has amended the Local School Support Tax Law and certain analogous taxes on retail sales to provide the”.

Amend sec. 9, page 3, line 25, by deleting “vehicle; and” and inserting “vehicle;”.

Amend sec. 9, page 3, by deleting line 26 and inserting:

“(b) All parts and components that are”.

Amend sec. 9, page 3, line 28, by deleting “vehicle.” and inserting: “vehicle;”

(c) All motor vehicles used by professional racing teams to transport professional racing vehicles or to transport parts or components of professional racing vehicles, including, without limitation, an engine and chassis of a professional racing vehicle; and

(d) All motor vehicles used by a professional racing team or sanctioning body to transport the business office of the professional racing team or sanctioning body or to transport a facility from which hospitality services are provided.”.

Amend sec. 9, page 3, by deleting lines 30 through 35.

Amend sec. 9, page 3, line 36, by deleting “(b)” and inserting “(a)”.

Amend sec. 9, page 3, line 39, by deleting “(c)” and inserting “(b)”.

Amend sec. 9, page 3, between lines 41 and 42, by inserting:

“(c) “Sanctioning body” means an organization that establishes an annual schedule of professional racing events in which professional racing teams participate, grants rights to conduct such events and establishes and administers rules and regulations governing the persons who conduct or participate in such events.”.

Amend sec. 10, page 3, by deleting lines 42 through 44 and inserting:

“Sec. 10. 1. This section and sections 1 to 8, inclusive, of this act, become effective upon passage and approval.

2. Section 9 of this act becomes effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of section 9 of this act and on October 1, 2001, for all other purposes.”.

Amend the title of the bill, fourth line, by deleting “vehicles; contingently” and inserting: “vehicles and for motor vehicles used by professional racing teams or sanctioning bodies to transport certain items;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Proposes to exempt from sales and use taxes certain items used by professional racing teams or sanctioning bodies and provides exemption from certain other taxes for such items. (BDR 32-1454).”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

Assembly Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 458.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 244.3601 is hereby amended to read as follows:

244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360, a board of county commissioners may, by ordinance, provide for a reasonable means to secure a dangerous structure or condition that is determined to be an imminent danger to the surrounding neighborhood by ~~at least three persons appointed by the board~~ *persons* who enforce building codes, *housing codes*, zoning ordinances or local health regulations, or are members of a local law enforcement agency or fire department. The owner of the property on which the structure or condition is located must be given *reasonable written notice* ~~at least 72 hours~~ before the structure or condition is so secured.

2. The costs of securing the structure or condition , *including, without limitation, any costs incurred for the relocation of tenants*, may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

3. As used in this section, “imminent danger” means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the safety or health of ~~the~~ :

(a) *The occupants, if any, of the real property on which the structure or condition is located; or*

(b) *The general public.*

Sec. 2. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on his property of ~~[two or more]~~ nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended ~~[for labor and materials used]~~ to abate the condition on the property , *including, without limitation, any costs incurred for the relocation of tenants,* if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists , ~~[and emergency action is necessary to avoid immediate threat to the public welfare or safety,]~~ the court shall order the county to secure and close the property ~~[for a period not to exceed 1 year or]~~ until the nuisance is abated ~~[, whichever occurs first,]~~ and may:

(a) Impose a civil penalty of not more than \$500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition ~~[,]~~ , *including, without limitation, any costs incurred for the relocation of tenants;* and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may ~~[provide that]~~ make the expense ~~[is a lien upon]~~ a special

assessment against the property upon which ~~{such a}~~ the chronic nuisance is located or occurring. The ~~lien must be perfected by:~~

~~(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his last known address, as determined by the real property assessment roll in the county in which the property is located; and~~

~~(b) Filing with the county recorder of the county in which the property is located, a statement of the amount due and unpaid and describing the property subject to the lien.}~~ special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) A “chronic nuisance” exists:

(1) When three or more nuisance activities exist or have occurred during any ~~{30-day}~~ 90-day period on the property;

(2) When a person associated with the property has engaged in three or more nuisance activities during any ~~{30-day}~~ 90-day period on the property or within 100 feet of the property;

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS; or

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043.

(b) “Nuisance activity” means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) *Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;*

(4) Excessive noise and violations of curfew; or

~~{(4)}~~ (5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

(c) “Person associated with the property” means ~~{a}~~ :

(1) *The owner of the property;*

(2) *The manager or assistant manager of the property;*

(3) *The tenant of the property; or*

(4) *A person who, on the occasion of a nuisance activity, has:*

~~{(1)}~~ (I) Entered, patronized or visited;

~~{(2)}~~ (II) Attempted to enter, patronize or visit; or

~~{(3)}~~ (III) Waited to enter, patronize or visit,

~~{a}~~ the property or a person present on the property.

Sec. 3. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may adopt by

ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or ~~[demolish]~~ *eliminate* a dangerous structure ~~[;]~~ *or condition;*

(b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth, to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on his property of a condition set forth in subsection 1 and the date by which he must abate the condition; and

(2) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision to the board.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended ~~[for labor and materials used]~~ to abate the condition on the property , *including, without limitation, any costs incurred for the relocation of tenants,* if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was required to abate the condition.

3. The board or its designee may direct the county to abate the condition on the property and may recover the amount expended by the county for labor and materials used to abate the condition if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on his property within the period specified in the notice ; ~~[;]~~

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order ~~[;]~~ ; *or*

(c) The board has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the county to abate the condition, the board may ~~[provide that]~~ *make the expense [is a lien upon] a special assessment against* the property upon which ~~[such a]~~ *the* condition is located. The ~~[Lien must be perfected by:]~~

~~(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his last known address, as determined by the real property assessment roll in the county in which the property is located; and~~

~~(b) Filing with the county recorder of the county in which the property is located, a statement of the amount due and unpaid and describing the property subject to the lien.] special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~

5. *As used in this section, “dangerous structure or condition” means a structure or condition that may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:*

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Sec. 4. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations ~~[contained]~~ set forth in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, *housing*, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada, the University and Community College System of Nevada or any school district.”.

Amend the title of the bill to read as follows:

“AN ACT relating to counties; expanding the authority of the board of county commissioners of a county to abate nuisances, dangerous structures and dangerous conditions; authorizing the recovery of any applicable costs for the relocation of tenants incurred by the county in abating certain conditions; providing that a board of county commissioners may levy a special assessment to collect costs incurred by the county in abating certain conditions instead of imposing a lien; authorizing a board of county commissioners to adopt certain housing codes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Expands authority of board of county commissioners of county to abate nuisances, dangerous structures and dangerous conditions. (BDR 22-149)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 389.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public body shall not consider at a meeting whether to:*

(a) *Take administrative action against a person; or*

(b) *Acquire real property owned by a person by the exercise of the power of eminent domain,*

unless the public body has given written notice to that person of the time and place of the meeting.

2. *The written notice required pursuant to subsection 1 must be:*

(a) *Delivered personally to that person at least 5 working days before the meeting; or*

(b) *Sent by certified mail to the last known address of that person at least 21 working days before the meeting.*

A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in subsection 1 relating to that person at a meeting.

3. *The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.”*

Amend section 1, pages 1 and 2, by deleting lines 10 through 13 on page 1 and lines 1 through 38 on page 2, and inserting:

“2. “Meeting” means ~~the~~ :

(a) *The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.*

(b) *Any series of gatherings of members of a public body at which:*

(1) *Less than a quorum is present at any individual gathering;*

(2) *The members of the public body attending one or more of the gatherings collectively constitute a quorum; and*

(3) *The series of gatherings were held with the intent to deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.*

The term includes, without limitation, such a series of gatherings between individual members of the public body and an attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or

advisory power if the gatherings were held with the intent to deliberate toward a decision or take action regarding the litigation.

3. Except as otherwise provided in this subsection, “public body” means any administrative, advisory, executive or legislative body of the state or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405. “Public body” does not include the legislature of the State of Nevada.

4. “Quorum” means a simple majority of the constituent membership of a public body or another proportion established by law.”.

Amend the bill as a whole by deleting sec. 2.

Amend the title of the bill to read as follows:

“AN ACT relating to meetings of public bodies; requiring a public body to give written notice to person against whom the public body is considering taking administrative action or property by eminent domain; revising the definition of “meeting” to include certain serial gatherings; and providing other matters properly relating thereto.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Assemblyman Bache requested that his remarks be entered in the Journal.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. The amendment addresses a practice by some public bodies that evades the spirit of the open meeting law. The loophole they use to get around the open meeting law was they would not gather as a quorum but would conduct a series of smaller gatherings, where a quorum was not present. The cumulative effect of the series of gatherings was that a quorum had actually participated. The first change contained in this amendment is to state clearly that a series of these smaller gatherings will be considered a meeting under the open meeting law if, 1) the cumulative number of members equals a quorum, and 2) the intent of holding the series of gatherings was to deliberate toward a decision or take action on a matter. This will apply to a series of gatherings between a public body and its attorney, even when potential or existing litigation is discussed.

It does not, however, prevent attorneys from putting sensitive material in a confidential memorandum to inform members of the public body. It is important to note that the committee specifically decided not to include a broad, artificial definition of the word “deliberate” for this provision. That means that the plain dictionary meaning will apply, which is “to weigh in the mind; to ponder or examine in order to form an opinion; to consider the reasons for and against.” It does not include the mere gathering of facts.

The second part of the amendment is to require the more specific and personal notice be given to persons in two circumstances: if the public body is going to be considering whether to take administrative action against the person or if the public body is going to be considering whether to acquire the person’s property by eminent domain. In those cases, the person must be given personal notice and not be expected to learn about the upcoming meeting in the newspaper with the general public.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 445.

Amend section 1, page 2, by deleting lines 15 through 47 and inserting:
“361.0785 1. Except as otherwise provided in this section, all property, both real and personal, is exempt from taxation as set forth in this section to the extent that the property is used as a facility for ~~the~~ :

(a) *Research and development of the technology required to generate electrical energy from renewable resources;*

(b) *The generation or production of electrical energy from ~~{solar energy- 2. — Personal}~~ one or more renewable resources; or*

(c) *Both (a) and (b).*

2. *The department shall not grant an exemption pursuant to this section unless the commission on economic development, in consultation with the director of the office of science, engineering and technology, certifies the exemption pursuant to section 4 of this act.*

3. *All property, both real and personal, exempted pursuant to subsection 1 may ~~not~~ receive an exemption for not more than 10 consecutive years ~~[-~~*

~~3. — Real property exempted pursuant to subsection 1 may not receive an exemption for more than 20 consecutive years.]~~ *after the date the exemption was originally certified by the commission on economic development.*

4. *The provisions of this section do not apply to ~~[-~~*

(a) Residential property; and

(b) Property that is used as a facility for the production of electrical energy from solar energy before July 1, 1997.] residential property.

5. *As used in this section, ~~[-“facility for the production of electrical energy from solar energy” means a facility which uses solar energy as its primary fuel in the production of electricity. The term includes all the equipment in the facility used to collect, store and convert into electricity the energy derived from]~~ “renewable resource” includes, without limitation, a hydrogen fuel cell, biomass, and geothermal, wind and solar energy.”.*

Amend sec. 2, page 3, line 18, after “unless” by inserting: “*the commission on economic development, in consultation with*”.

Amend sec. 2, page 3, line 19, by deleting “*technology*” and inserting “*technology,*”.

Amend sec. 2, page 3, line 21, by deleting: “*subsection 4 of NRS 396.7982.*” and inserting: “*section 4 of this act.*”.

Amend sec. 2, page 3, line 26, by deleting: “*subsection 4 of NRS 396.7982,*” and inserting: “*section 4 of this act,*”.

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

“Sec. 3. NRS 374.265 is hereby amended to read as follows:

374.265 “Exempted from the taxes imposed by this chapter,” as used in NRS 374.265 to 374.355, inclusive, *and section 2 of this act*, means exempted from the computation of the amount of taxes imposed.

Sec. 4. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the commission on economic development, in consultation with the director of the office of science, engineering and technology and in coordination with the department of taxation, shall certify:

(a) Exemptions from property taxes for property the commission on economic development determines is used as a facility for research and development of the technology required to generate electrical energy from renewable resources or a facility for the generation or production of electrical energy from one or more renewable resources, or both; and

(b) Eligibility for an exemption certificate for certain sales and use taxes for a facility for research and development of the technology required to generate electrical energy from renewable resources or a facility for the generation or production of electrical energy from one or more renewable resources, or both.

2. A facility in existence on the effective date of this act may not be certified pursuant to this section.

3. A facility that is not certified pursuant to this section on or before December 31, 2005, may not be certified pursuant to this section.

4. A facility that is certified pursuant to this section on or before December 31, 2005, may retain its certification for the purposes of NRS 361.0785 and section 2 of this act for not more than 10 consecutive years after the date the facility is originally certified pursuant to this section.

Sec. 5. NRS 231.090 is hereby amended to read as follows:

231.090 The executive director of the commission on economic development shall direct and supervise all its administrative and technical activities, including coordinating its plans for economic development, promoting the production of motion pictures, scheduling the commission's programs, analyzing the effectiveness of those programs and associated expenditures, and cooperating with other governmental agencies which have programs related to economic development. In addition to other powers and duties, the executive director:

1. Shall attend all meetings of the commission and act as its secretary, keeping minutes of its proceedings.

2. Shall report regularly to the commission concerning the administration of its policies and programs.

3. Shall report annually to the governor and the commission regarding the work of the commission and may make such special reports as he considers desirable to the governor.

4. May perform any other lawful acts which he considers desirable to carry out the provisions of NRS 231.020 to 231.130, inclusive [] , *and section 4 of this act.*”.

Amend sec. 3, pages 3 and 4, by deleting lines 40 through 49 on page 3 and lines 1 and 2 on page 4, and inserting:

“4. *Shall consult with the commission on economic development to assist the commission on economic development in certifying facilities pursuant to section 4 of this act.*”.

Amend the bill as a whole by deleting sec. 4 and adding new sections designated sections 7 and 8, following sec. 3, to read as follows:

“Sec. 7. The amendatory provisions of this act do not apply to offenses committed before the effective date of this act.

Sec. 8. This act becomes effective upon passage and approval.”.

Amend the preamble of the bill, page 2, by deleting lines 1 through 3 and inserting:

“WHEREAS, A facility in existence on the effective date of this act may not receive the exemptions provided by this act, and therefore the exemptions proposed by this”.

Amend the title of the bill by deleting the ninth and tenth lines and inserting: “one or more renewable resources, or both; requiring the commission on economic development, in consultation with the director of the office of science, engineering and technology, to certify such exemptions; providing a”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 556 was placed on the Second Reading File be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 556 just reported out of committee, be placed on the General File for the next legislative day.

Motion carried.

Assemblyman Dini moved that Assembly Bill No. 468 be taken from the Chief Clerk’s desk and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 563.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 380.

Amend section 1, page 1, line 4, after “under” by inserting: “*the program, which may consist of one or more plans authorized by*”.

Amend section 1, page 1, line 5, by deleting “which,” and inserting: “which ~~[-]~~ income,”.

Amend sec. 2, page 1, line 12, by deleting “and as” and inserting: “~~and as~~ *which may consist of one or more plans*”.

Amend sec. 2, page 1, line 16, after “approval.” by inserting: “*An employee may defer compensation under one or more plans in the program.*”.

Amend sec. 2, page 2, line 8, after “457(g),” by inserting “*as applicable,*”.

Amend sec. 3, page 2, line 14, after “employer” by inserting: “*to a plan*”.

Amend sec. 3, page 2, line 16, by deleting “457.” and inserting: “457 ~~[-]~~ , *as applicable.*”.

Amend sec. 4, page 2, by deleting lines 18 through 20 and inserting:

“287.350 1. No *plan in the* program becomes effective and no deferral may be made until the ~~[program]~~ *plan* meets the requirements of 26 U.S.C. § 401(a), 401(k), 403(b) or 457 , *as applicable,* for eligibility.”.

Amend sec. 5, page 2, line 26, after “under” by inserting: “*the program, which may consist of one or more plans authorized by*”.

Amend sec. 5, page 2, line 27, by deleting “which,” and inserting: “which ~~[-]~~ income,”.

Amend sec. 6, page 2, by deleting lines 33 and 34 and inserting: “program approved by the committee ~~and as~~ *which may consist of one or more plans authorized by 26 U.S.C. § 401(a) or 457. An employee may defer compensation under one or more plans in the program.*”.

Amend sec. 7, page 3, line 2, after “457(g),” by inserting “*as applicable,*”.

Amend sec. 8, page 3, line 9, after “subdivision” by inserting: “*to a plan*”.

Amend sec. 8, page 3, line 10, by deleting “457.” and inserting: “457 ~~[-]~~ , *as applicable.*”.

Amend sec. 9, page 3, by deleting lines 12 through 14 and inserting:

“287.460 1. No *plan in the* program becomes effective and no deferral may be made until the ~~[program]~~ *plan* meets the requirements of 26 U.S.C. § 401(a) or 457 , *as applicable,* for eligibility.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 654.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 431.

Amend sec. 5, page 2, line 48, by deleting “[\$1,000] \$2,000” and inserting “\$1,000”.

Amend sec. 5, page 3, by deleting lines 22 and 23 and inserting: “*benefit of persons who live or work in the residential or nonresidential park districts or service areas within the city or county.*”.

Amend sec. 5, page 3, line 44, by deleting “7,” and inserting “8,”.

Amend sec. 5, page 4, by deleting line 8 and inserting: “*regional parks which are located in the park district or service area from*”.

Amend sec. 5, page 4, line 44, by deleting “25” and inserting “50”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 619.

Bill read second time.

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

Amendment No. 609.

Amend the bill as a whole by deleting sections 1 through 12 and adding new sections designated sections 1 through 17, following the enacting clause, to read as follows:

“Section 1. Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. “*Corporate cooperative park*” means a mobile home park owned by a nonprofit cooperative corporation formed pursuant to chapter 81 of NRS that is wholly owned or controlled by the tenants of the park.

Sec. 3. 1. *The landlord of a mobile home park may require that a person submit a written application to and receive written consent from the landlord before the person moves or causes to be moved a mobile home or recreational vehicle into the mobile home park. The landlord shall not unreasonably withhold his consent.*

2. *If the landlord of a mobile home park requires written consent pursuant to subsection 1, the landlord shall post and maintain a sign that is clearly readable at the entrance to the mobile home park which advises the reader of the consent that is required before a person may move or cause to be moved a mobile home or recreational vehicle into the mobile home park.*

3. *If a person moves or causes to be moved a mobile home or recreational vehicle into the mobile home park without the written consent of the landlord, if the landlord requires such consent pursuant to subsection 1, the landlord of that mobile home park may:*

(a) *After providing at least 5 days' written notice to the person, bring an action for an unlawful detainer in the manner prescribed in chapter 40 of NRS; or*

(b) *Require the person to sign a rental agreement. If the person refuses to sign the rental agreement within 5 days after such a request, the landlord may, after providing at least 5 days' written notice to the person, bring an action for an unlawful detainer in the manner provided in chapter 40 of NRS.*

4. *For the purposes of NRS 40.251, a person who moves or causes to be moved a mobile home or recreational vehicle into a mobile home park without the written consent of the landlord, if the landlord requires such consent pursuant to subsection 1, shall be deemed a tenant at will and a lessee of the mobile home park.*

5. *The provisions of this section do not apply to a corporate cooperative park.*

Sec. 4. 1. *The landlord of a mobile home park shall post in a conspicuous and readily accessible place in the community or recreational facility in the mobile home park, at or near the entrance of the mobile home park or other common area in the mobile home park, a current report on the quality of the water that is supplied to the mobile home park.*

2. *Except as otherwise provided in subsection 3, the report must be obtained from the community water system that is the supplier of water to the mobile home park. Except as otherwise provided in subsection 4, the landlord shall post the report at least once each year and at such other times as the community water system may provide an updated report to the landlord.*

3. *If a mobile home park is not a community water system and does not otherwise obtain water from a community water system, the landlord of the mobile home park shall annually cause the water that is provided to the tenants of the mobile home park to be tested in accordance with the standards adopted pursuant to NRS 445A.855. The test must be performed by a laboratory certified by the health division of the department of human resources pursuant to NRS 445A.863.*

4. *Upon receipt of the results of a test performed pursuant to subsection 3, the landlord shall prepare or cause to be prepared a report on the quality of the water that is supplied to the tenants of the mobile home park. The report must be accurately based upon the results of the test and prepared in accordance with the standards adopted by the state board of health pursuant to NRS 445A.855 for similar reports by community water systems. The landlord shall post a copy of the most current report in accordance with subsection 1 and shall deliver a copy of each such report to the health division of the department of human resources or the health authority as that term is defined in NRS 445A.820.*

5. *As used in this section, "community water system" has the meaning ascribed to it in NRS 445A.808.*

Sec. 5. NRS 118B.010 is hereby amended to read as follows:

118B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118B.011 to 118B.0195, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 118B.060 is hereby amended to read as follows:

118B.060 1. Any payment, deposit, fee ~~[-]~~ or other charge which is required by the landlord in addition to periodic rent, utility charges or service fees and is collected as prepaid rent or a sum to compensate for any tenant default is a “deposit” governed by the provisions of this section.

2. The landlord shall maintain a separate record of the deposits.

3. Except as otherwise provided in subsection 4:

(a) All deposits are refundable, and upon termination of the tenancy, or if the deposit is collected as a sum to compensate for a tenant default, not more than 5 years after the landlord receives the deposit, the landlord may claim from a deposit only such amounts as are reasonably necessary to remedy tenant defaults in the payment of rent, utility charges or service fees and to repair damage to the park caused by the tenant. The landlord shall provide the tenant with an itemized written accounting of the disposition of the deposit.

(b) Any refund must be sent to the tenant within 21 days after the tenancy is terminated.

4. Each deposit collected as a sum to compensate for a tenant default must be refunded to the tenant not more than 5 years after the landlord receives the deposit or upon the termination of the tenancy, whichever is earlier. The refund must include interest at the rate of 5 percent per year, compounded annually, for the entire period during which the deposit was held by the landlord.

5. Upon termination of the landlord’s interest in the mobile home park, the landlord shall transfer to his successor in interest that portion of the deposit remaining after making any deductions allowed pursuant to this section or refund that portion to the tenant.

6. If the former landlord fails to transfer that portion of the deposit remaining to the successor in interest or refund it to the tenant at the time the successor in interest takes possession, the successor becomes jointly and severally liable with the former landlord for refunding to the tenant that portion of the deposit to which he is entitled.

7. If the former landlord fails to transfer or refund the deposit, the tenant may not be required to pay another deposit until the successor in interest refunds the deposit to the tenant or provides him with an itemized written accounting of the statutorily authorized disposition of the deposit.

8. The claim of the tenant to any deposit to which he is entitled by law takes precedence over the claim of any creditor of the landlord.

9. *The provisions of this section do not apply to a corporate cooperative park.*

Sec. 7. NRS 118B.120 is hereby amended to read as follows:

118B.120 1. The landlord or his agent or employee may:

(a) Require that the tenant landscape and maintain the tenant's lot if the landlord advises the tenant in writing of reasonable requirements for the landscaping.

(b) If the tenant does not comply with the provisions of paragraph (a), maintain the tenant's lot and charge the tenant a service fee for the actual cost of that maintenance.

(c) Require that the mobile home be removed from the park if it is unoccupied for more than 90 consecutive days and the tenant or dealer is not making good faith and diligent efforts to sell it.

2. The landlord shall maintain, in the manner required for the other tenants, any lot on which is located a mobile home within the park which has been repossessed, abandoned or held for rent or taxes. The landlord is entitled to reimbursement for the cost of that maintenance from the reposessor or lien holder or from the proceeds of any sale for taxes, as the case may be.

3. The landlord shall trim all the trees located within the park and dispose of the trimmings from those trees absent a voluntary assumption of that duty by the tenant for trees on the tenant's lot.

4. For the purposes of this section, a mobile home shall be deemed to be abandoned if:

(a) It is located on a lot in a mobile home park, *other than a corporate cooperative park*, for which no rent has been paid for at least 60 days;

(b) It is unoccupied; and

(c) The manager of the mobile home park reasonably believes it to be abandoned.

Sec. 8. NRS 118B.140 is hereby amended to read as follows:

118B.140 ~~{The}~~

1. *Except as otherwise provided in subsection 2, the landlord or his agent or employee shall not:*

~~{1.}~~ (a) Require a person to purchase a mobile home from him or any other person as a condition to renting a mobile home lot to the purchaser or give an adjustment of rent or fees, or provide any other incentive to induce the purchase of a mobile home from him or any other person.

~~{2.}~~ (b) Charge or receive:

~~{(a)}~~ (1) Any entrance or exit fee for assuming or leaving occupancy of a mobile home lot.

~~{(b)}~~ (2) Any transfer or selling fee or commission as a condition to permitting a tenant to sell his mobile home or recreational vehicle within the mobile home park even if the mobile home or recreational vehicle is to remain within the park, unless the landlord is licensed as a dealer of mobile homes pursuant to NRS 489.311 and has acted as the tenant's agent in the sale pursuant to a written contract.

~~{(c)}~~ (3) Any fee for the tenant's spouse or children.

~~{(d)}~~ (4) Any fee for pets kept by a tenant in the park. If special facilities or services are provided, the landlord may also charge a fee reasonably

related to the cost of maintenance of the facility or service and the number of pets kept in the facility.

~~[(e)]~~ (5) Any additional service fee unless the landlord provides an additional service which is needed to protect the health and welfare of the tenants, and written notice advising each tenant of the additional fee is sent to the tenant 90 days in advance of the first payment to be made, and written notice of the additional fee is given to prospective tenants on or before commencement of their tenancy. A tenant may only be required to pay the additional service fee for the duration of the additional service.

~~[(f)]~~ (6) Any fee for a late monthly rental payment within 4 days after the date the rental payment is due or which exceeds \$5 for each day, excluding Saturdays, Sundays and legal holidays, which the payment is overdue, beginning on the day after the payment was due. Any fee for late payment of charges for utilities must be in accordance with the requirements prescribed by the public utilities commission of Nevada.

~~[(g)]~~ (7) Any fee, surcharge or rent increase to recover from his tenants the costs resulting from converting from a master-metered water system to individual water meters for each mobile home lot.

~~[(h)]~~ (8) Any fee, surcharge or rent increase to recover from his tenants any amount that exceeds the amount of the cost for a governmentally mandated service or tax that was paid by the landlord.

2. *Except for the provisions of subparagraphs (3), (4), (6) and (8) of paragraph (b) of subsection 1, the provisions of this section do not apply to a corporate cooperative park.*

Sec. 9. NRS 118B.150 is hereby amended to read as follows:

118B.150 ~~[The]~~

1. *Except as otherwise provided in subsection 2, the landlord or his agent or employee shall not:*

~~[(1)]~~ (a) Increase rent or additional charges unless:

~~[(a)]~~ (1) The rent charged after the increase is the same rent charged for mobile homes of the same size or lots of the same size or of a similar location within the park, *including, without limitation, mobile homes and lots which are held pursuant to a long-term lease*, except that a discount may be selectively given to persons who:

~~[(1)]~~ (I) Are handicapped;

~~[(2)]~~ (II) Are 55 years of age or older;

~~[(3)]~~ (III) Are long-term tenants of the park if the landlord has specified in the rental agreement or lease the period of tenancy required to qualify for such a discount;

~~[(4)]~~ (IV) Pay their rent in a timely manner; or

~~[(5)]~~ (V) Pay their rent by check, money order or electronic means;

~~[(b)]~~ (2) Any increase in additional charges for special services is the same amount for each tenant using the special service; and

~~[(c)]~~ (3) Written notice advising a tenant of the increase is received by the tenant 90 days before the first payment to be increased and written notice of

the increase is given to prospective tenants before commencement of their tenancy. In addition to the notice provided to a tenant pursuant to this ~~[paragraph,]~~ *subparagraph*, if the landlord or his agent or employee knows or reasonably should know that the tenant receives assistance from the fund created pursuant to NRS 118B.215, the landlord or his agent or employee shall provide to the administrator written notice of the increase 90 days before the first payment to be increased.

~~{2-}~~ (b) Require a tenant to pay for an improvement to the common area of a mobile home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

~~{3-}~~ (c) Require a tenant to pay for a capital improvement to the mobile home park unless the tenant has notice of the requirement at the time he enters into the rental agreement. A tenant may not be required to pay for a capital improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this ~~{subsection. 4-}~~ *paragraph*.

(d) Require a tenant to pay his rent by check or money order.

~~{5-}~~ (e) Require a tenant who pays his rent in cash to apply any change to which he is entitled to the next periodic payment that is due. The landlord or his agent or employee shall have an adequate amount of money available to provide change to such a tenant.

~~{6-}~~ (f) Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any mobile home or recreational vehicle in the park to discuss the park's affairs, or any political or social meeting sponsored by a tenant, if the meetings are held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

~~{7-}~~ (g) Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this ~~{subsection}~~ *paragraph* is liable to the tenant for actual damages.

~~{8-}~~ (h) Prohibit a tenant from having guests, but he may require the tenant to register the guest within 48 hours after his arrival, Sundays and legal holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

~~{9-}~~ (i) Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a mobile home lot who is living alone may allow one other person to live in his home without paying an additional charge or fee, unless such a living arrangement

constitutes a violation of chapter 315 of NRS. No agreement between a tenant and his guest alters or varies the terms of the rental contract between the tenant and the landlord, and the guest is subject to the rules and regulations of the landlord.

~~{10.}~~ (j) Prohibit a tenant from erecting a fence along the perimeter of the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the height of fences, the materials used for fences and the manner in which fences are to be constructed.

~~{11.}~~ (k) Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this ~~{subsection,}~~ paragraph, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

~~{12.}~~ (l) Prohibit a public officer , ~~{or}~~ candidate for public office *or the representative of a public officer or candidate for public office* from walking through the park to talk with the tenants ~~{-}~~ *or distribute political material*.

~~{13.}~~ (m) If a tenant has voluntarily assumed responsibility to trim the trees on his lot, require the tenant to trim any particular tree located on the lot or dispose of the trimmings unless a danger or hazard exists.

2. *The provisions of paragraphs (a), (b), (c), (j) and (m) of subsection 1 do not apply to a corporate cooperative park.*

3. *As used in this section, "long-term lease" means a rental agreement or lease the duration of which exceeds 12 months.*

Sec. 10. NRS 118B.153 is hereby amended to read as follows:

118B.153 ~~{The}~~

1. *Except as otherwise provided in subsection 2, the amount of rent charged a tenant for a service, utility or amenity upon moving into the mobile home park must be reduced proportionately when the service, utility or amenity is decreased or eliminated by the landlord. The landlord may not increase the rent to recover the lost revenue.*

2. *The provisions of this section do not apply to a corporate cooperative park.*

Sec. 11. NRS 118B.160 is hereby amended to read as follows:

118B.160 ~~{The}~~

1. *Except as otherwise provided in subsection 2, the landlord or his agent or employee shall not:*

~~{1.}~~ (a) Deny any tenant the right to sell his mobile home or recreational vehicle within the park or require the tenant to remove the mobile home or recreational vehicle from the park solely on the basis of the sale, except as otherwise provided in NRS 118B.170.

~~{2.}~~ (b) Prohibit any tenant desiring to sell his mobile home or recreational vehicle within the park from advertising the location of the home or vehicle and the name of the mobile home park or prohibit the tenant from

displaying at least one sign of reasonable size advertising the sale of the home or vehicle.

~~{3-}~~ (c) Require that he be an agent of an owner of a mobile home or recreational vehicle who desires to sell the home or vehicle.

~~{4-}~~ (d) Unless subleasing of lots is prohibited by a rental agreement or lease, prohibit a tenant from subleasing his mobile home lot if the prospective subtenant meets the general requirements for tenancy in the park.

~~{5-}~~ (e) Require a tenant to make any additions to his mobile home unless those additions are required by an ordinance of a local government.

~~{6-}~~ (f) Purchase a mobile home within the park if he has denied:

~~{(a)}~~ (1) A tenant the right to sell that mobile home; or

~~{(b)}~~ (2) A prospective buyer the right to purchase that mobile home.

2. *The provisions of this section do not apply to a corporate cooperative park.*

Sec. 12. NRS 118B.170 is hereby amended to read as follows:

118B.170 1. The landlord may require approval of a prospective buyer and tenant before the sale of a tenant's mobile home or recreational vehicle, if the mobile home or vehicle will remain in the park. The landlord shall consider the record, if any, of the prospective buyer and tenant concerning the payment of rent. The landlord shall not unreasonably withhold his consent.

2. If a tenant sells his mobile home or recreational vehicle, the landlord may require that the mobile home or recreational vehicle be removed from the park if it is deemed by the park's written rules or regulations in the possession of the tenants to be in a run-down condition or in disrepair or does not meet the safety standards set forth in NRS 461A.120. If the mobile home must be inspected to determine compliance with the standards, the person requesting the inspection shall pay for it.

3. If the landlord requires the approval of a prospective buyer and tenant, he shall post and maintain a sign which is clearly readable at the entrance to the park which advises the reader that before a mobile home in the park is sold, the prospective buyer must be approved by the landlord.

4. If the landlord requires the approval of a prospective buyer and tenant of a mobile home or recreational vehicle and the mobile home or recreational vehicle is sold without the approval of the landlord, the landlord may:

(a) After providing at least ~~{10}~~ 5 days' written notice to the buyer and tenant, bring an action for an unlawful detainer in the manner prescribed in chapter 40 of NRS; or

(b) Require the buyer and tenant to sign a rental agreement. If the buyer and tenant refuse to sign the rental agreement within 5 days after such a request, the landlord may, after providing at least ~~{10}~~ 5 days' written notice to the buyer and tenant, bring an action for an unlawful detainer in the manner provided in chapter 40 of NRS.

5. For the purposes of NRS 40.251, a person who:

(a) Purchases a mobile home or recreational vehicle from a tenant of a mobile home park which will remain in the park;

(b) Was required to be approved by the landlord of the mobile home park before the sale of the mobile home or recreational vehicle; and

(c) Was not approved by the landlord before he purchased that mobile home or recreational vehicle,
shall be deemed a tenant at will and a lessee of the mobile home park.

6. *The provisions of this section do not apply to a corporate cooperative park.*

Sec. 13. NRS 118B.173 is hereby amended to read as follows:

118B.173 1. Any landlord who lists a mobile home park or any part of a mobile home park for sale with a licensed real estate broker shall , not less than 10 days nor more than 30 days before listing the park for sale, mail written notice of that listing to any association of tenants of the park that requested the notice. A landlord is not required to provide notice of a listing for sale that is not initiated by the owner of the park or his authorized agent.

2. In order to receive the notice required by subsection 1, an association of tenants of a mobile home park shall:

(a) Submit to the landlord a written request for that notice;

(b) Furnish the landlord with a written list of the names and addresses of three members of the association; and

(c) Give written notice to the landlord that the tenants of the park are interested in buying the park and renew that notice at least once each year after the initial notice.

3. *The provisions of this section do not apply to a corporate cooperative park.*

Sec. 14. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing mobile home park into individual mobile home lots for sale to mobile home owners if the change is approved by the appropriate local zoning board, planning commission or governing body, and:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 75 days before he offers the lot for sale to the public;

(c) The landlord does not sell an occupied lot for more than a vacant lot of similar location, size and shape;

(d) The landlord pays:

(1) The cost of moving the tenant's mobile home and its appurtenances to a comparable location within 50 miles from the mobile home park; or

(2) If the new location is more than 50 miles from the mobile home park, the cost of moving the mobile home for the first 50 miles,

including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his mobile home and its appurtenances in the new lot or park; and

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice ~~to~~ before he is required to move his mobile home from the lot.

2. Upon the sale of a mobile home lot and a mobile home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the mobile home lot and what portion is for the mobile home.

3. *The provisions of this section do not apply to a corporate cooperative park.*

Sec. 15. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing mobile home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body, and:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays:

(1) The cost of moving the tenant's mobile home and its appurtenances to a new location within 50 miles from the mobile home park; or

(2) If the new location is more than 50 miles from the mobile home park, the cost of moving the mobile home for the first 50 miles, including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his mobile home and its appurtenances in the new lot or park; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his mobile home from the lot.

2. A landlord shall not increase the rent of any tenant for 180 days before applying for a change in land use, permit or variance affecting the mobile home park.

3. *The provisions of this section do not apply to a corporate cooperative park.*

Sec. 16. NRS 40.251 is hereby amended to read as follows:

40.251 A tenant of real property, a recreational vehicle or a mobile home for a term less than life is guilty of an unlawful detainer when having leased:

1. Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved, he continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice of:

- (a) For tenancies from week to week, at least 7 days;
- (b) For all other periodic tenancies, at least 30 days; or
- (c) For tenancies at will, at least 5 days.

2. A dwelling unit subject to the provisions of chapter 118A of NRS, he continues in possession, in person or by subtenant, without the landlord's consent after expiration of:

(a) The term of the rental agreement or its termination and, except as otherwise provided in paragraph (b), the expiration of a notice of at least 7 days for tenancies from week to week and 30 days for all other periodic tenancies; or

(b) A notice of at least 5 days where the tenant has failed to perform his basic or contractual obligations under chapter 118A of NRS.

3. A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215, he continues in possession, in person or by subtenant, without the landlord's consent, after notice has been given pursuant to NRS 118B.170 or 118B.190 *or section 3 of this act* and the period of the notice has expired.

4. A recreational vehicle lot, he continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.

Sec. 17. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A landlord or manager who:*

(a) *Purchases a mobile home that is sold to enforce a lien pursuant to NRS 108.270 to 108.360, inclusive;*

(b) *Is in compliance with or exempt from the requirements for continuing education set forth in NRS 118B.086; and*

(c) *Is a licensed real estate broker and holds a limited dealer's license issued pursuant to NRS 489.331, may resell the mobile home in compliance with all other applicable provisions of this chapter which pertain to dealers.*

2. *As used in this section:*

(a) *"Landlord" has the meaning ascribed to it in NRS 118B.014.*

(b) *"Manager" has the meaning ascribed to it in NRS 118B.0145."*

Amend the title of the bill to read as follows:

"AN ACT relating to mobile home parks; authorizing the landlord of a mobile home park to require written consent before a person moves a mobile home or recreational vehicle into the mobile home park; providing certain statutory exceptions for corporate cooperative parks; requiring the landlord of a mobile home park to post periodically a report on the quality of water supplied to the mobile home park; authorizing the landlord of a mobile home park to impose certain requirements pertaining to the occupancy of mobile homes; providing that certain prohibitions pertaining to increases in rent for

mobile homes and mobile home lots apply to long-term leases; reducing certain periods of notice required before a landlord may bring an action for an unlawful detainer or terminate a written agreement; authorizing the landlord or manager of a mobile home park to resell mobile homes with a limited dealer's license under certain circumstances; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 663, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

REMARKS FROM THE FLOOR

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CEGAVSKE:

Mr. Speaker, I would like to read a press release that was just issued this morning. "Sports history was made last night when a ragged and badly wounded contingent of Republican athletes literally beat the socks off a large, healthy, almost all male Democratic team. In spite of the fact that "Slam Dunk" Washington had to be carried from the court after a vicious and unwarranted Democrat attack, the remaining Rs more than made up for the loss. It was the female members that carried the game for the Rs. Barb "The Bird" Cegavske twice stole the ball from a taller, stronger "Shaq" Perkins, star forward for the Ds. Leading in assists for the Rs was "Magic" Von Tobel whose presence in shorts easily distracted the male-dominated D team. The Rs unrelenting full court press kept the seriously out of shape Ds constantly substituting players to insure that those who were in the game were still capable of breathing.

A standout for the Ds was "Air Arberry" who is reported to have a vertical jump of close to 3 inches. However, "Amazing" Amodei baffled him with bull and was able to talk him nearly to death and, thereby, held him to less than 2 points for the night. On the injured list was "Marvelous" Manendo. Although it was, at times, unclear as to what game he was playing, he did so with sufficient intensity that he hurt a leg and was forced to limp from the court.

To his credit, Coach “Desperate” Dini did what he could with what he had to work with, which wasn’t much. “Loping” John Lee—who is said to have played college ball, did not live up to his reputation. When questions arose about his prior academic accomplishments, a former professor told reporters that Lee made straight As in college, but added that his Bs were a little crooked.

The game clearly established who are the champions for the entire civilized world in the Nevada Legislative League. Even so, it was marked with cheating, illegal players and discrimination on the part of officials. “Cowboy” Collins literally lassoed “The Bird” and threw her to the ground in a highly unusual defensive maneuver. Referees claimed not to have seen this and no foul was called.

Comic relief was provided by “Goofy” Goldwater. In a move he learned in his brief stint with the Searchlight Globetrotters, he tried to tickle an opponent into dropping the ball. The Rs Coach, “Killer” Guinn, then invoked a little used NBA rule that has nothing to do with basketball but does address inappropriate physical contact. Color commentator “Rowdy” Ralston was evicted from the game for politically incorrect comments that were demeaning to Republicans and might have weakened the morale of less dedicated players.” Clearly biased referees also allowed illegal points to be earned by “Ace” Ocegüera who shot a three pointer while sitting on the bench. Although the R’s protested this gave the Ds an extra man on court, their complaints were totally ignored.

Against almost insurmountable odds, the Rs established their athletic supremacy in this court by winning the game 63-51, including the Ds 16 illegal points.

Mr. Speaker, on behalf of the team, support staff and ringers, I accept this magnificent trophy, humbly realizing that we might not have been able to accomplish this incredible feat if we had been up against Democratic players who had a clue about the game. Thank you, Mr. Speaker.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 41, 223; Assembly Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Albrecht-Johnson, Deborah Rengler, Cindy Clampitt and Kelly Minton.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Molly Mills.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Davis, Kathryn Fosnaugh, Carol Thompsen, Andrea Carothers, Lila Clark, Linda Smith and Reba Coombs.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Utt, Cheryl Meyers, Marilyn Jane, Virginia Letts, Glenda Jacques and Valerie A. Erwin.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Dawn Lee.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Oetting.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Jasmine Shackley.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Jerlyn Figearo.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Garcia, Marlo Harding, Meagan Strong, Charlene Morehead, Greg Torres, Lucas Watson, Terry Sullivan, Jeanne Douglass, Barbara Houger, Harle Glover, Matthew Baker, Cindy Benjamin, Jason Hataway, Diane Keetch, Mary Matheus and Patty Williams.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Jolene Miley, Richard Matthews and Ralph McMullen.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to JoAnn Kula, Bruce Pfeiffer and Karen Latimer.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley and Geri Mosey.

On request of Assemblywoman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Millicent Jorgenson.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Collins, Diane Rea and Linda Kelso.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to June Rigsby, Linda Eissmann and Cecile Crofoot.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Phenix, Rebekah Langhoff, Darlene Nevin and Crystal Smith.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Stokes.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Van Nostrand, Marge Griffin and Hannah Zive.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Nikki Kinsley, Joan Tuntland and Cheryl O'Day.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Loretta White.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Cooper and Sara Towles.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Maynick.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Geiser and Darlene Rubin.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Urbani.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Maxine Millibar and Stephany Corral.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Nanita Moore and Eric Anderlohr.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Yhvana Martin and Louise Darden.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Claudette Thompson.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Sease.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hancock.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Esposito.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Belknap.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Moody.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Hess and Julayne Le Bas.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Bean and Dulce Jesena.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Winne, Karen Crawford, Kathryn Alden, Marian Kamalani, Robert Salley and William Hull.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Lee Nary and Heather T. Collins.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Kight.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Jaynese Knight and Novella Watson-Lee.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Aparicio and June Bennett.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Drake and Linda Corbett.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 26, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:11 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 26, 2001

Assembly called to order at 10:48 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by the Chaplain, Reverend Luther Dupree.

Heavenly Father, we come before Thee in humble submission giving You thanks and praise for this day and time. For this is a day that You have made, and we will rejoice and be glad in it. Lord, I will that men pray everywhere., lifting up holy hands, without wrath and doubting. Therefore, I offer up supplications, prayers, intercession and give thanks for these men and women who have been given, and placed in, authority for this Seventy-First Legislative Session. I ask that as they make decisions on this day, that you would not only guide them, but that you would touch their hearts and minds. Let them take into careful consideration the lasting effect of every decision they make, and let it all be done for Your glory.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 245, 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 92, 430, 444, 456, 490, 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 282, 649, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 636, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Your Committee on Health and Human Services, to which was referred Senate Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 26, 101, 167, 210, 250, 288, 297, 311, 327, 337, 356, 377, 380, 399, 405, 418, 419, 482, 483, 488, 521, 528, 530, 551, 568.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 12—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Jaynese Knight is elected as an additional attaché of the Assembly for the 71st session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Buckley moved that the reading of the history of Senate Bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 26.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

Senate Bill No. 101.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 167.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 210.

Assemblywoman Buckley moved that the bill be referred to the Select Committee on Energy.

Motion carried.

Senate Bill No. 250.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 288.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 297.

Assemblywoman Buckley moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 311.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 327.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 337.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 356.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 377.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 380.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 399.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 405.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 418.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 419.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 482.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 483.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 488.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Government Affairs and Judiciary.

Motion carried.

Senate Bill No. 521.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 528.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 530.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 551.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 568.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 92, 124, 127, 226, 243, 245, 282, 384, 430, 444, 456, 461, 490, 555, 567, 636 and 649 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that the action whereby Senate Bill No. 380 was referred to the Committee on Taxation be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 380 be referred to the Concurrent Committees on Taxation and Government Affairs.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 407 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 654 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 207 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Hettrick moved that Assembly Bill No. 465 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Hettrick.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 469 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 447 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 657 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 227 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 351 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 93 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Ocegüera.

Motion carried.

Assemblyman de Braga moved that Assembly Bill No. 418 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman de Braga.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 318 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 617 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Anderson moved that the vote whereby Assembly Bill No. 296 was passed be reconsidered.

Remarks by Assemblyman Anderson.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Beers moved that the vote whereby Assembly Bill No. 578 was refused passage be reconsidered.

Remarks by Assemblyman Beers.

Motion carried.

NOTICE OF EXEMPTION

April 26, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 630.

MARK STEVENS
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 434.

Amend section 1, page 1, by deleting lines 16 and 17 and inserting: "severance from service, an honorable discharge or certificate of satisfactory service".

Amend section 1, page 2, by deleting lines 30 and 31 and inserting: "require production of an honorable discharge or certificate of satisfactory service or a certified".

Amend sec. 2, page 2, by deleting lines 41 and 42 and inserting: "service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or".

Amend sec. 2, page 3, by deleting lines 25 and 26 and inserting: "require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other".

Amend sec. 3, page 3, by deleting lines 34 through 36 and inserting:

“incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United”.

Amend sec. 3, page 4, by deleting lines 18 and 19 and inserting:

“(a) An honorable discharge or other document of honorable separation from the Armed Forces”.

Amend sec. 3, page 4, by deleting lines 27 through 29 and inserting: “disability, together with ~~the~~ *an original or certified copy of a certificate of honorable discharge or satisfactory service.*”.

Amend sec. 4, page 5, by deleting lines 7 through 9 and inserting: “incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving”.

Amend sec. 4, page 5, by deleting line 39 and inserting:

“(a) An honorable discharge or other document of honorable separation from the Armed”.

Amend sec. 4, page 5, by deleting lines 47 and 48 and inserting: “disability, together with an original or certified copy of a certificate of honorable discharge or satisfactory service.”.

Amend sec. 5, page 6, by deleting lines 39 and 40 and inserting: “upon severance from service, an honorable discharge or certificate of satisfactory service”.

Amend sec. 5, page 7, by deleting lines 20 and 21 and inserting: “and for that purpose shall require production of an honorable discharge or certificate of satisfactory service”.

Amend sec. 6, page 7, by deleting lines 32 and 33 and inserting: “severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United”.

Amend sec. 6, page 8, by deleting lines 13 and 14 and inserting: “and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified”.

Amend sec. 7, page 8, by deleting lines 22 through 24 and inserting: “incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United”.

Amend sec. 7, page 8, line 26, by deleting “vehicle privilege” and inserting “governmental services”.

Amend sec. 7, page 9, by deleting lines 5 and 6 and inserting:

“(1) An honorable discharge;”.

Amend sec. 8, page 9, by deleting lines 32 through 34 and inserting: “incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving”.

Amend sec. 8, page 9, lines 35 and 36, by deleting “vehicle privilege” and inserting “governmental services”.

Amend sec. 8, page 10, by deleting line 13 and inserting:

“(1) An honorable discharge;”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 378.

Amend the bill as a whole by renumbering sections 1 through 9 as sections 3 through 11 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 341 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The board may, with the approval of the interim finance committee when the legislature is not in regular or special session, or with the approval of the legislature by concurrent resolution when the legislature is in regular or special session, enter into a contract for services with a contractor licensed pursuant to chapter 624 of NRS to assist the board:*

(a) In the development of designs, plans, specifications and estimates of costs for a proposed construction project.

(b) In the review of designs, plans, specifications and estimates of costs for a proposed construction project to ensure that the designs, plans, specifications and estimates of costs are complete and that the project is feasible to construct.

2. *The board is not required to advertise for bids for a contract for services pursuant to subsection 1, but may solicit bids from not fewer than three licensed contractors and may award the contract to the lowest responsible and responsive bidder.*

3. *The board shall adopt regulations establishing procedures for:*

(a) The determination of the qualifications of contractors to bid for the contracts for services described in subsection 1.

(b) The bidding and awarding of such contracts.

4. *If a proposed construction project for which a contractor is awarded a contract for services by the board pursuant to subsection 1 is advertised pursuant to NRS 341.148, that contractor may submit a bid for the contract for the proposed construction project if he is qualified pursuant to NRS 338.1377.”.*

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

“Sec. 3. *If an appointed member of the board fails to attend three successive”.*

Amend sec. 3, page 2, by deleting lines 9 and 10 and inserting:

“4. May negotiate with the lowest responsible *and responsive* bidder on any contract to obtain a revised bid if:”.

Amend sec. 3, page 2, line 23, after “*legislature.*” by inserting:

“The board shall adopt by regulation criteria for determining whether a change in the scope of the design or construction of a project requires such approval.”.

Amend sec. 3, page 2, line 31, by deleting: “*by the board.*” and inserting: “*by the design professional.*”.

Amend sec. 4, page 2, by deleting line 48 and inserting: “if savings will result to the lowest *responsible and responsive* bidder.”.

Amend sec. 4, page 3, by deleting line 5 and inserting: “lowest *responsible and responsive* bidder or reject all bids.”.

Amend sec. 9, pages 4 and 5, by deleting lines 46 through 48 on page 4 and lines 1 and 2 on page 5, and inserting:

“Sec. 11. 1. This section and sections 1 to 7, inclusive, 9 and 10 of this act become effective on July 1, 2001.

2. Section 7 of this act expires by limitation on October 1, 2003.

3. Section 8 of this act becomes effective at 12:01 a.m. on October 1, 2003.”.

Amend the title of the bill, first line, after “board;” by inserting: “authorizing the board to enter into a contract with a contractor to assist the board in the development and review of designs, plans, specifications and estimates of costs for a proposed construction project;”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 619.

Amend section 1, page 1, line 2, by deleting: “2, 3 and 4” and inserting: “1.2 to 4, inclusive,”.

Amend the bill as a whole by adding new sections designated sections 1.2 through 1.8, following section 1, to read as follows:

“Sec. 1.2. *As used in sections 1.2 to 4, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.*

Sec. 1.4. *“Discrimination” means a willful act or course of conduct that is not otherwise authorized by law and is:*

1. *Motivated by the race, color, religion, sex, sexual orientation, age, disability, socioeconomic status or national origin of the person against whom the act is directed;*

2. *Highly offensive to a reasonable person; and*

3. *In violation of:*

(a) *Any applicable state law or regulation, including, without limitation, NRS 281.370, 613.310 to 613.435, inclusive, or 651.050 to 651.110, inclusive; or*

(b) *Any applicable federal law or regulation, including, without limitation:*

(1) *Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e et seq.;*

(2) *The Age Discrimination in Employment Act, 29 U.S.C. §§ 621 et seq.;*

(3) *The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; or*

(4) *Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq.*

Sec. 1.6. *“Harassment” means a willful act or course of conduct that is not otherwise authorized by law and is:*

1. *Motivated by the race, color, religion, sex, sexual orientation, age, disability, socioeconomic status or national origin of the person against whom the act is directed;*

2. *Highly offensive to a reasonable person; and*

3. *Intended to cause and actually causes another person to suffer serious emotional distress.*

Sec. 1.8. *“Intimidation” means a willful act or course of conduct that is not otherwise authorized by law and:*

1. *Is motivated by the race, color, religion, sex, sexual orientation, age, disability, socioeconomic status or national origin of the person against whom the act is directed;*

2. *Is highly offensive to a reasonable person; and*

3. *Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person.”.*

Amend sec. 4, page 2, by deleting line 26 and inserting:

“Sec. 4. 1. The department shall establish, by regulation, a model policy”.

Amend sec. 4, page, 2, line 35, by deleting *“accept”* and inserting: *“recognize and consider”.*

Amend sec. 4, page 2, line 42, by deleting *“Positive methods”* and inserting: *“A written plan that sets forth positive methods and resources that school personnel may use”.*

Amend sec. 4, page 2, line 45, by deleting *“Methods”* and inserting: *“Written lesson plans that set forth positive methods that school personnel may use”.*

Amend sec. 4, page 3, lines 1, 3 and 6, by deleting *“prescribed”* and inserting *“established”.*

Amend sec. 4, page 3, by deleting lines 7 through 9 and inserting: *“by the department.”.*

Amend sec. 6, page 3, line 20, by deleting *“prescribed”* and inserting *“established”.*

Amend sec. 7, page 3, line 31, by deleting “prescribe” and inserting “establish”.

Amend sec. 8, page 3, line 34, by deleting “prescribed” and inserting “established”.

Amend sec. 10, page 3, line 42, by deleting: “1, 2, 3,” and inserting: “1 to 3, inclusive,”.

Amend the title of the bill, second line, by deleting “prescribe a” and inserting: “establish a model”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 663.

Bill read second time and ordered to third reading.

Senate Bill No. 190.

Bill read second time and ordered to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 401.

Amend section 1, page 1, line 5, after “*not*” by inserting “*in*”.

Amend section 1, page 1, line 7, by deleting “*is*” and inserting “*are*”.

Amend section 1, page 1, by deleting lines 8 through 15 and inserting:

“(a) *The development of affordable housing;*

(b) *The control and protection of animals;*

(c) *The rehabilitation of rental property in residential neighborhoods;*

(d) *The rehabilitation of abandoned residential property; and*

(e) *Public health and sanitation.*”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 124.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 492.

Amend section 1, pages 1 and 2, by deleting line 14 on page 1 and lines 1 through 4 on page 2, and inserting: “*the pupils attending:*

(a) *Elementary schools of the school district who reside 1.5 miles or more from their school of attendance.*

(b) Junior high or middle schools of the school district who reside 2 miles or more from their school of attendance.

(c) High schools of the school district who reside 3 miles or more from their school of attendance. This subsection is intended to express a mandatory minimum and does not prohibit the board of trustees from providing transportation for pupils who reside a shorter distance from their school of attendance than the distances set forth in paragraphs (a), (b) and (c).”.

Amend the title of the bill, second line, by deleting “elementary school”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 360.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 385.351 is hereby amended to read as follows:

385.351 1. On or before April 15 of each year, the board of trustees of each school district shall submit the report required pursuant to subsection 2 of NRS 385.347 to the:

- (a) Governor;
- (b) State board;
- (c) Department;
- (d) Committee; and
- (e) Bureau.

2. On or before April 15 of each year, the board of trustees of each school district shall submit the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before June 15 of each year, the board of trustees of each school district shall:

- (a) Prepare:

(1) A separate written report summarizing the effectiveness of the district’s program of accountability. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based;

(II) The identification of any problems or factors at individual schools that are revealed by the review and analysis;

(III) *If the board of trustees provides a program of distance education pursuant to sections 10 to 21, inclusive, of this act, the identification of any problems or factors of the program that are revealed by the review and analysis;*

(IV) A summary of the efforts that the school district has made or intends to make in response to the deficiencies or in response to the recommendations identified in the report submitted to the district pursuant to paragraph (b) of subsection 1 of NRS 385.359; and

~~{(IV)}~~ (V) A description of the progress that the school district has achieved, if any, as a result of the recommendations submitted pursuant to paragraph (b) of subsection 1 of NRS 385.359 in preceding years and any other analyses made in preceding years.

(2) A written procedure to improve the achievement of pupils who are enrolled in schools within the district ~~{ }~~ *and who are enrolled in programs of distance education provided by the board of trustees of the school district, if applicable*, including, but not limited to, a description of the efforts the district has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the board of trustees to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

- (1) Governor;
- (2) State board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

4. The department shall maintain a record of the information that it receives from each school district pursuant to this section in such a manner as will allow the department to create for each school a yearly profile of information.

5. The board of trustees of each school district shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the school district adopted pursuant to NRS 354.598.”.

Amend sec. 2, page 3, by deleting line 36, and inserting: “*to sections 10 to 21, inclusive, of this act.*”.

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

“Sec. 3.5. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before April 15 of each year, the governing body of each charter school shall submit the information concerning the charter school that is contained in the report required pursuant to subsection 2 of NRS 385.347 to the:

- (a) Governor;

- (b) State board;
- (c) Department;
- (d) Legislative committee on education created pursuant to NRS 218.5352; and
- (e) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

2. On or before April 15 of each year, the governing body of each charter school shall submit the information prepared by the governing body that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before June 15 of each year, the governing body of each charter school shall:

(a) Prepare:

(I) A separate written report summarizing the effectiveness of the charter school's program of accountability. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based; ~~and~~

(II) The identification of any problems or factors at the charter school that are revealed by the review and analysis ~~[-]~~; and

(III) *If the governing body provides a program of distance education pursuant to sections 10 to 21, inclusive, of this act, the identification of any problems or factors of the program that are revealed by the review and analysis.*

(2) A written procedure to improve the achievement of pupils who are enrolled in the charter school ~~[-]~~ and pupils who are enrolled in programs of distance education provided by the governing body, if applicable, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

- (1) Governor;
- (2) State board;
- (3) Department;
- (4) Legislative committee on education created pursuant to NRS 218.5352; and

(5) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

4. The department shall maintain a record of the information that it receives from each charter school pursuant to this section in such a manner as

will allow the department to create for each charter school a yearly profile of information.

5. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the charter school adopted by the governing body of the charter school pursuant to the regulations of the department.

6. The legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.”.

Amend sec. 13, pages 11 and 12, by deleting lines 48 and 49 on page 11 and lines 1 through 9 on page 12.

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

“Sec. 17.5. 1. *The board of trustees of a school district that provides a program of distance education shall, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, authorize the pupil to participate in a class offered through the program of distance education that is not available to the child at the charter school or participate in an extracurricular activity offered through the program of distance education if:*

(a) The governing body of the charter school has granted permission pursuant to section 19 of this act;

(b) Space for the pupil in the class or extracurricular activity is available; and

(c) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or extracurricular activity.

2. *The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity pursuant to subsection 1 if the board of trustees determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees so revokes its approval, neither the board of trustees nor the program of distance education is liable for any damages relating to the denial of services to the pupil.”.*

Amend sec. 20, page 15, by deleting lines 23 through 30 and inserting:

“Sec. 20. 1. *If a pupil is enrolled full time in a program of distance education provided by the board of trustees of a school district, the pupil shall be deemed enrolled in that school district for purposes of all the*

applicable requirements, statutes, regulations, rules and policies of the school district, including, without limitation.”.

Amend the bill as a whole by adding a new section designated sec. 20.5, following sec. 20, to read as follows:

“Sec. 20.5. 1. If the board of trustees of a school district provides a program of distance education, the board of trustees shall:

(a) Ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school district, including, without limitation:

(1) Graduation requirements;

(2) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(3) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(4) Discipline of pupils.

(b) Prepare a separate written report that contains the information required by subsection 2 of NRS 385.347, as applicable to the pupils who are enrolled in the program of distance education, and include the separate written report with the report that is made pursuant to NRS 385.347.

2. If the governing body of a charter school provides a program of distance education, the governing body shall:

(a) For each pupil who is enrolled in the program, provide written notice to the board of trustees of the school district in which the pupil resides of the type of educational services that will be provided to the pupil through the program. The written notice must be provided to the board of trustees before the pupil receives educational services through the program of distance education.

(b) Ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the charter school, including, without limitation:

(1) Graduation requirements;

(2) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(3) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(4) Discipline of pupils.

(c) Prepare a separate written report that contains the information required by subsection 2 of NRS 385.347, as applicable to the pupils who are enrolled in the program of distance education, and submit the separate written report to the board of trustees of the school district in which the charter school is located for inclusion with the report made by the school district pursuant to NRS 385.347.”.

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

“Sec. 26.5. NRS 389.560 is hereby amended to read as follows:

389.560 1. The state board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school to submit to the superintendent of public instruction, the department and the council, in the form and manner prescribed by the superintendent, the results of the examinations administered pursuant to NRS 389.550. The state board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.

2. The results of the examinations must be reported for each school, including, without limitation, each charter school, school district and this state, as follows:

(a) The percentage of pupils who have demonstrated proficiency, as defined by the department, and took the examinations under regular testing conditions; and

(b) The percentage of pupils who have demonstrated proficiency, as defined by the department, and took the examinations with modifications or accommodations approved by the private entity that created the examination or, if the department created the examination, the department, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. The department shall adopt regulations prescribing the requirements for reporting the results of pupils who:

(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the department created the examination, by the department;

(b) Are enrolled in special schools for children with disabilities;

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school ~~[-]~~ *including, without limitation, a program of distance education that is provided pursuant to sections 10 to 21, inclusive, of this act;* or

(d) Are detained in a:

- (1) Youth training center;
- (2) Youth center;
- (3) Juvenile forestry camp;
- (4) Detention home;
- (5) Youth camp;
- (6) Juvenile correctional institution; or
- (7) Correctional institution.

The results reported pursuant to this subsection must not be included in the percentage of pupils reported pursuant to subsection 2.

4. Not later than 10 days after the department receives the results of the examinations, the department shall transmit a copy of the results to the legislative bureau of educational accountability and program evaluation in a

manner that does not violate the confidentiality of the test scores of any individual pupil.

5. On or before November 1 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public schools in the school district or charter school:

- (a) The examination administered;
- (b) The grade level or levels of pupils to whom the examination was administered;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school. On or before December 1 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

6. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations, except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

- (a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or
- (b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

7. In addition to the information required by subsection 5, the superintendent of public instruction shall:

- (a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and
- (b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

8. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.”

Amend sec. 32, page 25, line 13, by deleting “20” and inserting “20.5.”.

Amend the title of the bill, sixth line, after “governing” by inserting:

“the reports of accountability made by school districts and charter schools to include programs of distance education; revising provisions governing”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 494.

Amend section 1, page 1, by deleting line 8 and inserting:

“(b) *Prohibit a pupil from attending*”.

Amend section 1, pages 1 and 2, by deleting lines 10 through 14 on page 1 and lines 1 through 31 on page 2 and inserting:

“2. *A person who is an employee or agent of a school district may suggest that the pupil be evaluated for determination of whether the pupil should be placed in a special program pursuant to NRS 388.470.*

3. *As used in this section:*

(a) *“Physician” means a person who is licensed to practice medicine as a physician pursuant to chapter 630 of NRS.*

(b) *“Psychotropic drug” means a controlled substance listed in schedule II by the state board of pharmacy pursuant to NRS 453.146, or a neuroleptic or other psychoactive drug which produces a mind-altering effect in a person.”.*

Amend the title of the bill by deleting the second through sixth lines and inserting:

“taking certain actions with regard to pupils; authorizing certain employees of a school district to suggest that a pupil be evaluated for placement in a special program; and providing other matters”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to treatment of pupils. (BDR 34-88)”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 435.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 10 through 12 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

“Section 1. At the general election on November 5, 2002, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th session of the legislature of the State of Nevada and approved by the governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 2. At the time and in the manner provided by law, the secretary of state shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 3. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 5, 2002, a question will appear on the ballot for the adoption or rejection by the registered voters of the state of the following proposed act:

AN ACT to amend an act entitled “An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto.” approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA
DO ENACT AS FOLLOWS:

Section 1. The above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 55.5, immediately following section 55, to read as follows:

Sec. 55.5. 1. There are exempted from the taxes imposed by this act the gross receipts from the sale of, and the storage, use or other consumption in a county of, farm machinery and equipment employed for the agricultural use of real property.

2. As used in this section:

(a) “Agricultural use” has the meaning ascribed to it in NRS 361A.030.

(b) “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment if the purchase price of the part is not less than \$1,000. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for the agricultural use of real property.

(c) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.

(d) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or

other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 2. This act becomes effective on January 1, 2003.

Sec. 4. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this act on the gross receipts from the sale and the storage, use or other consumption of farm machinery and equipment employed for the agricultural use of real property?

Yes ☐ No ☐

Sec. 5. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this act the gross receipts from the sale and storage, use or other consumption of farm machinery and equipment employed for the agricultural use of real property. The Legislature has amended the Local School Support Tax Law and the City-County Relief Tax Law to provide the same exemption.

Sec. 6. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2003. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 7. All general election laws not inconsistent with this act are applicable.

Sec. 8. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the secretary of state that the proposed amendment was adopted by a majority of those registered voters.

Sec. 9. NRS 372.7263 is hereby amended to read as follows:

372.7263 In administering the provisions of NRS 372.335, the department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of state to include ~~the~~ :

1. The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the department of motor vehicles and public safety pursuant to subsection 1 of NRS 482.3955 ~~+~~ ; and

2. *The sale of farm machinery and equipment, as defined in section 10 of this act, to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of state not later than 15 days after the sale.*”

Amend section 1, page 1, line 3, before “There” by inserting “I.”

Amend section 1, page 1, line 5, by deleting “equipment.” and inserting: “equipment employed for the agricultural use of real property.

2. *As used in this section:*

(a) “Agricultural use” has the meaning ascribed to it in NRS 361A.030.

(b) “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment if the purchase price of the part is not less than \$1,000. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for the agricultural use of real property.

(c) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.

(d) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.”

Amend sec. 3, page 2, line 37, by deleting “I” and inserting “10”.

Amend the bill as a whole by renumbering sec. 4 as sec. 14 and adding a new section designated sec. 13, following sec. 3, to read as follows:

“Sec. 13. NRS 374.7273 is hereby amended to read as follows:

374.7273 In administering the provisions of NRS 374.340, the department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of state to include ~~the~~ :

1. *The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the department of motor vehicles and public safety pursuant to subsection 1 of NRS 482.3955* ~~[-]~~ ; and

2. *The sale of farm machinery and equipment, as defined in section 10 of this act, to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of state not later than 15 days after the sale.*”

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for farm machinery and equipment; providing such an exemption from certain analogous taxes; clarifying the

provisions governing the administration of the existing exemption from the Sales and Use Tax Act of 1955 and certain analogous taxes for property shipped out of state; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Proposes to exempt from sales and use tax sale of farm machinery and equipment, and provides such exemption from certain analogous taxes. (BDR 32-866)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 245.

Bill read second time.

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

Amendment No. 284.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 15, following the enacting clause, to read as follows:

“Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Advertise” and “advertisement” mean the attempt by publication, dissemination, solicitation or circulation to induce, directly or indirectly, any person to take a tour.*

Sec. 4. *“Charter bus” means a motor vehicle for the transport of persons, on a charter basis, that:*

1. *Has a minimum capacity of 32 persons; and*

2. *Is hired to provide service for a person or group of persons traveling from one location to another for a common purpose.*

Sec. 5. *“Commissioner” means the commissioner of the consumer affairs division of the department of business and industry.*

Sec. 6. *“Division” means the consumer affairs division of the department of business and industry.*

Sec. 7. *“Tour broker” means a person who, in this state, advertises a tour for a tour operator and collects money from customers for a tour.*

Sec. 8. *“Tour operator” means a person who, in this state, engages in the business of providing a tour with a duration of 24 hours or less to customers.*

Sec. 9. 1. *Except as otherwise provided in subsection 2:*

(a) *In each advertisement for a tour, a tour broker and a tour operator shall disclose in a clear and conspicuous manner the total cash price a*

customer is required to pay to take the tour. Unless the inclusion of a fee or tax in the total cash price would violate a specific statute of this state or a federal statute or regulation, the total cash price must include, without limitation, all fees, taxes and other charges that a customer for a tour is required to pay to take the tour. If a fee or tax cannot be included in the total cash price because its inclusion would violate a specific statute of this state or a federal statute or regulation, the tour broker or tour operator, as applicable, shall disclose in a clear and conspicuous manner that the fee or tax is not included in the total cash price and must be paid in addition to the total cash price.

(b) A tour broker and a tour operator shall not charge a customer for a tour an amount that exceeds the sum of:

(1) The total cash price for the tour which is disclosed in an advertisement for the tour; and

(2) Any fee or tax that is not included in the total cash price because its inclusion would violate a specific statute of this state or a federal statute or regulation.

(c) On a billing invoice or receipt given to a customer for a tour, a tour broker and a tour operator shall provide a clear and conspicuous notice which:

(1) Sets forth the provisions of paragraph (b);

(2) States that complaints concerning the charges for a tour may be directed to the division; and

(3) Provides a telephone number for the division.

(d) The failure of a tour broker or tour operator to comply with a provision of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. The requirements set forth in subsection 1 do not apply with respect to:

(a) A tour that is conducted in its entirety on a charter bus; or

(b) If a tour is not conducted in its entirety on a charter bus, that part of the tour which is conducted on a charter bus.

Sec. 10. The provisions of sections 11, 12 and 13 of this act do not apply to a tour broker whose business is confined to advertising, or a tour operator whose business is confined to advertising and conducting, tours that:

1. Originate in a county other than a county whose population is 400,000 or more;

2. Do not include some manner of motorized conveyance; or

3. Are conducted in their entirety on charter buses.

Sec. 11. 1. Each tour broker and tour operator shall deposit with the division:

(a) A bond executed by a corporate surety approved by the commissioner and licensed to do business in this state;

(b) An irrevocable letter of credit for which the tour broker or tour operator is the obligor, issued by a bank whose deposits are federally insured; or

(c) A certificate of deposit in a financial institution which is doing business in this state and which is federally insured or insured by a private insurer approved pursuant to NRS 678.755. The certificate of deposit may be withdrawn only on the order of the commissioner, except that the interest may accrue to the tour broker or tour operator.

2. The term of the bond, letter of credit or certificate of deposit, or any renewal thereof, must be not less than 1 year.

3. Except as otherwise provided in subsection 8, the amount of the bond, letter of credit or certificate of deposit, or any renewal thereof, must be \$10,000.

4. If the tour broker or tour operator deposits a bond, the tour broker or tour operator shall keep accurate records of the bond and the payments made on the premium. The records must be open to inspection by the division during business hours. The tour broker or tour operator shall notify the division not later than 30 days before the date of expiration of the bond and provide written proof of the renewal of the bond to the division.

5. The commissioner may reject any bond, letter of credit or certificate of deposit which fails to conform to the requirements of this chapter.

6. A tour broker or tour operator may change the form of security which he has deposited with the division. If the tour broker or tour operator changes the form of the security, the commissioner may retain for not more than 1 year any portion of the security previously deposited by the tour broker or tour operator as security for claims arising during the time the previous security was in effect.

7. If the amount of the bond, letter of credit or certificate of deposit falls below the amount required by this section, the tour broker or tour operator shall, within 30 days, increase the amount of the bond, letter or credit or certificate of deposit to the amount required by this section.

8. If the commissioner determines that the business of a tour broker or tour operator involves tours conducted on charter buses, the commissioner shall reduce the amount of security otherwise required pursuant to subsection 3 in proportion to the percentage of the business of the tour broker or tour operator involving tours conducted on charter buses.

Sec. 12. 1. The security required to be deposited by a tour broker or tour operator pursuant to section 11 of this act must be held in trust for consumers injured by:

(a) The bankruptcy of the tour broker or tour operator; or

(b) The tour broker's or tour operator's breach of any agreement entered into in his capacity as a tour broker or tour operator.

2. A consumer so injured may bring and maintain an action in any court of competent jurisdiction to recover against the security.

3. *The division may bring an action for interpleader against all claimants upon the security. If the division brings such an action, the division shall publish notice of the action at least once each week for 2 weeks in a newspaper of general circulation in the county in which the tour broker or tour operator has its principal place of business. The division may deduct its costs of the action, including the costs of the publication of the notice, from the amount of the security. All claims against the security have equal priority. If the security is insufficient to pay all the claims in full, the claims must be paid pro rata. If the tour broker or tour operator has posted a bond with the division, the surety is then relieved of all liability under the bond.*

4. *The division may, in lieu of bringing an action for interpleader pursuant to subsection 3, conduct a hearing to determine the distribution of the security to claimants. The division shall adopt regulations to provide for adequate notice and the conduct of the hearing. If the tour broker or tour operator has posted a bond with the division, distribution pursuant to this subsection relieves the surety of all liability under the bond.*

Sec. 13. 1. *If no claims have been filed against the security deposited with the division pursuant to section 11 of this act within 6 months after the tour broker or tour operator ceases to operate, the commissioner shall release the security to the tour broker or tour operator and shall not audit any claims filed against the security thereafter by consumers.*

2. *If one or more claims have been filed against the security within 6 months after the tour broker or tour operator ceases to operate, the proceeds must not be released to the tour broker or tour operator or distributed to any consumer earlier than 1 year after the tour broker or tour operator ceases to operate.*

3. *For the purposes of this section, the commissioner shall determine the date on which a tour broker or tour operator ceases to operate.*

Sec. 14. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. A person who violates a court order or injunction issued pursuant to NRS 598.0903 to 598.0997, inclusive, upon a complaint brought by the commissioner, the director, the district attorney of any county of this state or the attorney general shall forfeit and pay to the state general fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0997, inclusive.

2. In any action brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the commissioner, the director, the district attorney of any county in this state or the attorney general bringing the action may recover a civil penalty not to exceed \$2,500 for each violation.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a

deceptive trade practice, other than a deceptive trade practice described in NRS 598.992:

- (a) For the first offense, is guilty of a misdemeanor.
- (b) For the second offense, is guilty of a gross misdemeanor.
- (c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.281 to 598.289, inclusive, 598.840 to 598.966, inclusive, *sections 2 to 13, inclusive, of this act* or 598.992, fails to comply with a judgment or order of any court in this state concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this state; or

(b) If the defendant is a corporation, dissolution of the corporation. The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 15. The amendatory provisions of this act do not apply to offenses committed before October 1, 2001.”

Amend the title of the bill to read as follows:

“AN ACT relating to deceptive trade practices; requiring certain tour brokers and tour operators to make certain disclosures relating to price in an advertisement for a tour; prohibiting certain tour brokers and tour operators from charging more for a tour than the price disclosed in an advertisement for the tour; requiring certain tour brokers and tour operators to include certain information on a billing invoice or receipt given to a customer for a tour; requiring certain tour brokers and tour operators to deposit security with the consumer affairs division of the department of business and industry; authorizing certain consumers to bring and maintain an action to recover against the deposited security; providing for the release of the deposited security within a certain period after the tour broker or tour operator ceases to operate; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to advertising and charges by certain tour brokers and tour operators and requires certain tour brokers and tour operators to deposit security. (BDR 52-1021)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 467.

Amend section 1, page 1, by deleting lines 2 through 12 and inserting:

“289.050 ~~{Except as otherwise provided in NRS 289.070;}~~

1. If a peace officer refuses to submit to a polygraphic examination:

(a) No law enforcement agency may take any disciplinary *or retaliatory* action against ~~[such]~~ the officer; and

(b) No investigator may make a notation of such a refusal in his report ~~{~~ *absent independent evidence of unlawful conduct by the peace officer.* ~~}~~ *or in any other manner maintain evidence of such a refusal.*

2. Evidence of any refusal by a peace officer to submit to a polygraphic examination is not admissible ~~{if introduced by any governmental body or agency in this state}~~ at any subsequent hearing, trial or other judicial or administrative proceeding.”.

Amend sec. 2, page 2, between lines 2 and 3, by inserting: “2. *A person who makes an allegation against an officer pursuant to subsection 1 may not be required to submit to a polygraphic examination as a condition to the investigation of his allegation, but may request or agree to be given a polygraphic examination. If such a person requests or agrees to be given a polygraphic examination, such an examination must be given.*”.

Amend sec. 2, page 2, line 3, by deleting “~~{3.}~~ 2.” and inserting “3.”.

Amend sec. 2, page 2, line 16, by deleting “~~{4.}~~ 3.” and inserting “4.”.

Amend sec. 2, page 2, by deleting lines 23 through 29 and inserting:

“~~{5. If the officer refuses to submit to a polygraphic examination required by this section:~~

~~(a) A law enforcement agency may take disciplinary action against that officer; and~~

~~(b) An investigator may make a notation of the refusal in his report.”.~~

Amend sec. 2, page 2, line 30, by deleting “~~{6.}~~” and inserting “6.”.

Amend the title of the bill to read as follows:

“AN ACT relating to peace officers; providing that a peace officer may not be required to submit to a polygraphic examination; providing certain protections to an officer who refuses to submit to such an examination; providing that a person who alleges that an officer has engaged in certain prohibited acts may not be required to submit to a polygraphic examination as a condition to an investigation of the allegation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing use of polygraphic examinations for peace officers and as part of investigation of peace officers. (BDR 23-1271)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 384.

Bill read second time.

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

Amendment No. 277.

Amend sec. 4, page 2, between lines 11 and 12, by inserting: “*The term specifically includes, without limitation, a mobile home that does not comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq.*”.

Amend the bill as a whole by renumbering sec. 53 as sec. 54 and adding a new section designated sec. 53, following sec. 52, to read as follows:

“Sec. 53. The legislature hereby finds and declares that the amendatory provisions of this act are not intended to change the kind of homes to which the provisions of chapter 118B of NRS are applicable.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 459.

Amend section 1, pages 1 and 2, by deleting lines 3 through 22 on page 1 and lines 1 through 10 on page 2, and inserting:

“1. *If an employee of a general improvement district or other person has a reasonable belief that a dwelling unit exists that is not currently being charged for services provided by a general improvement district in a county whose population is less than 400,000, the employee or other person may submit an affidavit to the board of trustees of the district, setting forth the facts upon which the employee or other person bases his belief, including, without limitation, personal knowledge and visible indications of use of the property as a dwelling unit.*

2. *If a board of trustees receives an affidavit described in subsection 1, the board may set a date for a hearing to determine whether the unit referenced in the affidavit is being used as a dwelling unit. At least 30 days*

before the date of such a hearing, the board shall send a notice by certified mail, return receipt requested, to the owner of the property where the unit referenced in the affidavit is located at the address listed in the real property assessment roll in the county in which the property is located. The notice must:

(a) Specify the purpose, date, time and location of the hearing;

(b) Include a request to allow inspection of the unit within 5 days after receipt of the notice and include the name and telephone number of a person whom the owner may contact regarding his decision whether to allow inspection; and

(c) Advise the owner that denial of the request for inspection of the unit or failure to respond to the request shall be deemed an admission that the unit is being used as a dwelling unit and, as such, the board may adopt a resolution to charge the owner for the services provided by the district to the dwelling unit as set forth in subsection 3.

3. The board may adopt a resolution by the affirmative votes of not less than two-thirds of the total membership of the board to charge the owner pursuant to NRS 318.197 for the services provided by the district to the dwelling unit, commencing with the services provided on the date on which the resolution is adopted, if:

(a) The owner denies a request for inspection of the unit or fails to respond to the request for inspection; or

(b) After the hearing, the board determines that the unit referenced in the affidavit is being used as a dwelling unit.”.

Amend section 1, page 2, line 11, by deleting “6.” and inserting “4.”.

Amend section 1, page 2, line 19, by deleting: “suspected dwelling unit” and inserting: “unit referenced in an affidavit submitted pursuant to subsection 1”.

Amend the title of the bill to read as follows:

“AN ACT relating to general improvement districts; authorizing a general improvement district in certain counties to charge owners of dwelling units which receive services provided by the district for which the owners are not being charged; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes general improvement districts in certain counties to charge owners of dwelling units which receive services provided by district for which owners are not being charged. (BDR 25-1275)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 456.

Amend section 1, page 2, line 6, after “ordered” by inserting: “to but fails”.

Amend section 1, page 2, line 9, by deleting “regulation.” and inserting: “regulation but fails to correct the violation.”.

Amend sec. 2, page 2, line 25, after “ordered” by inserting: “to but fails”.

Amend sec. 2, page 2, line 28, by deleting “regulation.” and inserting: “regulation but fails to correct the violation.”.

Amend sec. 6, page 5, line 13, after “ordered” by inserting: “to but fails”.

Amend sec. 6, page 5, line 16, by deleting “regulation.” and inserting: “regulation but fails to correct the violation.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 645.633 is hereby amended to read as follows:

645.633 1. The commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

{1-} (a) Willfully using any trade name, service mark or insignie of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

{2-} (b) Violating any order of the commission, any agreement with the division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted thereunder.

{3-} (c) Paying a commission, compensation or a finder’s fee to any person for performing the services of a broker, broker-salesman or salesman who has not secured his license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his state of residence.

{4-} (d) A felony, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to a charge of felony or any crime involving fraud, deceit, misrepresentation or moral turpitude.

{5-} (e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

{6-} (f) Failure to include a fixed date of expiration in any written brokerage agreement or to leave a copy of the brokerage agreement with the client.

{7-} (g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

{8-} (h) Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

{9-} (i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

~~{10.}~~ (j) Any conduct which took place before he became licensed, which was in fact unknown to the division and which would have been grounds for denial of a license had the division been aware of the conduct.

~~{11.}~~ (k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesman or salesman, with or on behalf of the licensee.

~~{12.}~~ (l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. ~~{Action may also be taken}~~ *The commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesman's or salesman's license issued to him by any other jurisdiction.*

3. *The commission may take action pursuant to NRS 645.630 against any person holding a permit to engage in property management issued pursuant to NRS 645.6052 who:*

(a) Is convicted of violating any of the provisions of NRS 202.470.

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124.

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.”.

Amend the title of the bill, sixth line, after “located;” by inserting: “authorizing the real estate commission to discipline certain licensees in certain circumstances;”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 456.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 460.

Amend sec. 3, page 2, by deleting lines 11 through 14 and inserting: “minerals of the commission on mineral resources, may contract with:

(a) A holder of a nonrestricted license issued pursuant to chapter 463 of NRS to supply gaming tokens to the holder of the nonrestricted license pursuant to this section and sections 2 and 4 of this act; and

(b) A person who has experience in minting tokens to mint gaming tokens for the holder of the nonrestricted license on Press No. 1 of the Carson City Mint or at such other locations as the administrator deems appropriate.

2. *Each contract to supply gaming tokens to the holder of a nonrestricted license entered into pursuant to paragraph (a) of subsection 1 must include a provision requiring the holder of the nonrestricted license to pay the fair market value of the tokens as determined by the administrator of the division of museums and history. In making that determination, the administrator shall consider:*

- (a) The cost of producing the gaming tokens or similar gaming tokens;*
- (b) The average margin of profit in the industry for producing gaming tokens; and*
- (c) The value to collectors of gaming tokens minted pursuant to this section and sections 2 and 4 of this act.”.*

Amend sec. 3, page 2, line 15, by deleting “2.” and inserting “3.”.

Amend sec. 3, page 2, line 20, by deleting “3.” and inserting “4.”.

Amend sec. 3, page 2, between lines 24 and 25, by inserting:

“5. Each person who enters into a contract with the administrator of the division of museums and history pursuant to this section shall comply with all applicable statutes and regulations relating to gaming tokens. The administrator shall ensure that each contract entered into with the person includes a provision that requires the person to comply with those statutes and regulations.”.

Amend sec. 4, page 2, by deleting lines 27 through 29 and inserting: *“reverse, in an appropriate design selected by the holder of a nonrestricted license for whom the token is minted:*

(a) A designation of the face value of the token, as determined by the administrator of the division of museums and history of the department of museums, library and arts;”.

Amend sec. 4, page 2, line 30, by deleting “(c)” and inserting “(b)”.

Amend sec. 4, page 2, line 33, by deleting “(d)” and inserting “(c)”.

Amend sec. 4, page 2, line 35, by deleting “(e)” and inserting “(d)”.

Amend sec. 4, page 2, line 36, by deleting “(f)” and inserting “(e)”.

Amend sec. 4, pages 2 and 3, by deleting lines 37 through 46 on page 2 and lines 1 through 10 on page 3, and inserting:

“2. Not more than 500 tokens may be minted in each design selected pursuant to subsection 1.

3. A holder of a nonrestricted license who purchases gaming tokens pursuant to a contract entered into in accordance with paragraph (a) of subsection 1 of section 3 of this act may issue those gaming tokens to the members of the general public. The gaming tokens may be redeemed only by the holder of the nonrestricted license.

4. The proceeds of the sale of gaming tokens by the administrator of the division of museums and history pursuant to section 3 of this act must be deposited in an”.

Amend sec. 4, page 3, by deleting line 16 and inserting: *“tokens in accordance with this section and sections 2 and 3 of this act.”.*

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 5.

Amend the title of the bill by deleting the third line and inserting: “the issuance of the gaming tokens by a holder of a nonrestricted license under certain circumstances; and providing other”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 379.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 6 as sections 1 through 4.

Amend sec. 3, page 5, line 9, by deleting “338.1375” and inserting “[~~338.1375~~] 338.1377”.

Amend sec. 3, page 5, line 11, by deleting “[~~338.1383~~] 338.1381,” and inserting “338.1383.”

Amend sec. 4, page 5, by deleting lines 17 through 31 and inserting:

“338.1375 1. ~~{Except as otherwise provided in NRS 338.1383, a public body}~~ *The state public works board* shall not accept a bid on a contract for a public work unless the person who submits the bid has qualified pursuant to NRS 338.1379 to bid on that contract.

2. ~~{The governing body of each local government that sponsors or finances a public work may adopt criteria for the qualification of bidders on contracts for public works of the local government. If a governing body adopts criteria pursuant to this subsection, the governing body shall use the criteria to determine the qualification of bidders on contracts for public works of the local government.~~

3. ~~{~~ The state public works board shall *by regulation* adopt criteria for the qualification of bidders on contracts for public works of this state. The criteria adopted by the state public works board pursuant to this ~~{subsection}~~ section must be used by the state public works board to determine the qualification of bidders on contracts for public works of this state.

3. *The criteria adopted by the state public works board pursuant to this section must:*

(a) *Be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.*

(b) *Include:*

(1) *The financial ability of the applicant to perform a contract;*

(2) *The principal personnel of the applicant;*

(3) *Whether the applicant has breached any contracts with a public agency or person in this state or any other state; and*

(4) *Whether the applicant has been disqualified from being awarded a contract pursuant to NRS 338.017 or 338.1387.”.*

Amend sec. 5, pages 5 and 6, by deleting lines 40 through 49 on page 5 and lines 1 through 14 on page 6, and inserting:

“338.1377 1. *Except as otherwise provided in NRS 338.1383, the governing body of each local government that sponsors or finances a public work shall adopt criteria for the qualification of bidders on contracts for public works of the local government. The governing body shall use the criteria to determine the qualification of bidders on contracts for public works of the local government.*

2. *Before adopting criteria pursuant to this section, the governing body of a local government shall hold at least one public hearing to solicit and evaluate public opinion regarding the criteria to be adopted. Notice of such a hearing must be provided by mail at least 10 days before the hearing to:*

(a) *Construction trade associations in this state; and*

(b) *Labor unions representing trades in the building industry in this state.*

3. The criteria adopted by ~~[the state public works board or]~~ a governing body pursuant to ~~[NRS 338.1375]~~ *this section* to determine whether an applicant is qualified to bid on a contract for a public work:

~~[1.]~~ (a) Must be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.

~~[2.]~~ (b) May include only:

~~[(a)]~~ (1) The financial ability of the applicant to perform ~~[the]~~ a contract;

~~[(b)]~~ (2) The principal personnel of the applicant;

~~[(c)]~~ (3) Whether the applicant has breached any contracts with a public agency or person in this state or any other state; and

~~[(d)]~~ (4) Whether the applicant has been disqualified from being awarded ~~[the]~~ a contract pursuant to NRS 338.017 or 338.1387.”.

Amend sec. 6, page 6, by deleting line 16 and inserting:

“338.1379 1. Except as otherwise provided in NRS 338.1383, a”.

Amend sec. 6, page 6, line 23, by deleting “the” and inserting “~~[the]~~ a”.

Amend sec. 6, page 6, by deleting lines 25 through 34 and inserting: “is qualified to bid on ~~[the]~~ a contract. The determination must be made within 30 days after receipt of the application.”.

Amend sec. 6, page 6, by deleting line 39 and inserting:

“4. *The state public works board or the governing body of a local government may determine an applicant is qualified to bid:*

(a) *On a specific project;*

(b) *On more than one project over a period of 12 months; or*

(c) *On more than one project over a period of 24 months.*

5. *The state public works board shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.*

6. The ~~[state public works board or the]~~ governing body of a local government shall not use”.

Amend sec. 6, page 6, line 42, by deleting “5.” and inserting “[~~5.~~] 7.”

Amend the bill as a whole by deleting sections 7 through 16 and the text of the repealed section and adding new sections designated sections 5 and 6, following sec. 6, to read as follows:

“Sec. 5. NRS 338.1383 is hereby amended to read as follows:

338.1383 ~~[A public body may]~~ *If a local government does not adopt criteria for the qualification of bidders on a public work pursuant to NRS 338.1377, the governing body shall accept a bid on a contract for a public work from a person who ~~[does not qualify pursuant to NRS 338.1379 if the person]~~ holds:*

1. An unlimited contractor’s license issued by the state contractors’ board in the branch of general engineering contracting or general building contracting, or in both branches, and:

(a) At the time he submits his bid, he provides a bid bond equal to 10 percent of the amount of the bid; and

(b) At the time the contract is awarded, he provides a performance bond, a labor and material bond, and a guaranty bond, each equal to 100 percent of the amount of the contract; or

2. A contractor’s license issued by the state contractors’ board that is designated in any classification if he:

(a) Has, in the 5 years immediately preceding the submission of the bid, been found to be a responsible contractor in the classification in which his contractor’s license is designated;

(b) Provides a bid bond, a performance bond, a guaranty bond, and a labor and material bond in such amounts as the ~~[state public works board or]~~ governing body may require; and

(c) Employs a person determined by the state contractors’ board to be qualified to supervise each classification of construction upon which the person submitting the bid is bidding.

Sec. 6. This bill becomes effective on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public works; authorizing the state public works board to adopt by regulation criteria for the qualification of bidders on a contract for a public work; eliminating the provision providing an exemption from qualifying to bid for a public work of this state; requiring the governing body of a local government to accept a bid on a contract for a public work from certain persons who do not otherwise qualify to bid for public works; and providing other matters properly relating thereto.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 453.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The board of county commissioners of each county whose population is 400,000 or more shall establish by ordinance a committee on the abatement of noise attributable to the flight of helicopters and other aircraft in the county.*

2. *The board of county commissioners shall appoint to the committee eleven members as follows:*

(a) *Four members who live in neighborhoods affected by the noise described in subsection 1;*

(b) *Three members who live in neighborhoods that are located adjacent to an airport;*

(c) *One member who represents commercial operators of fixed-wing aircraft;*

(d) *One member who represents commercial operators of helicopters;*

(e) *One member who represents the county airport; and*

(f) *One member who represents a federal or county agency that regulates airports.*

3. *The members of the committee shall serve terms of 2 years. A vacancy on the committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

4. *The board of county commissioners shall appoint one of the members as chairman of the committee, who shall serve as chairman for a term of 1 year. If a vacancy occurs in the chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.*

5. *The members of the committee serve without compensation.*

6. *The committee shall:*

(a) *Meet upon the call of the chairman; and*

(b) *Comply with the provisions of chapter 241 of NRS.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, the committee established pursuant to section 2 of this act shall:*

(a) *Examine all laws and other matters that may be of significance in the abatement of noise attributable to the flight of helicopters and other aircraft;*

(b) *Recommend changes for consideration by the Federal Aviation Administration to:*

(1) *Other local governments;*

(2) *The regional planning coalition established pursuant to NRS 278.02514;*

(3) *Relevant departments, agencies and officers of this state; and*

(4) *The Senators and Representatives from the State of Nevada to the Congress of the United States; and*

(c) *Advise the board of county commissioners on issues relating to the abatement of the noise described in paragraph (a) of subsection 1, including, without limitation:*

(1) *Recommendations concerning the use of airport facilities, including, without limitation:*

(I) *The expansion of airport facilities;*

(II) *The creation of a facility for commercial helicopters and other aircraft that is not located in an urban area;*

(III) *The creation, expansion and maintenance of adequate areas to buffer noise surrounding airport facilities; and*

(IV) *Environmental impacts created by the use of airport facilities;*

(2) *The determination of flight paths for helicopters and other aircraft; and*

(3) *Complaints from persons who live in neighborhoods affected by the noise described in paragraph (a) of subsection 1.*

2. *The provisions of this section do not authorize the committee established pursuant to section 2 of this act to make any recommendations or take any other action with respect to:*

(a) *Fixed-wing aircraft operated in commercial aviation pursuant to 14 C.F.R. Part 121 or 14 C.F.R. Part 135, or both; or*

(b) *Any helicopter that is operated:*

(1) *As an air ambulance, as that term is defined in NRS 450B.030;*

(2) *By a law enforcement agency; or*

(3) *By a branch of the Armed Forces of the United States.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, the board of county commissioners of each county whose population is 400,000 or more shall, to the extent allowed by federal law, enact and enforce ordinances:*

(a) *Fixing the permissible hours of operation for commercial helicopters. Such hours of operation must not commence earlier than 8 a.m. or extend later than 9 p.m.*

(b) *Determining flight paths for commercial helicopters. The flight paths must, to the extent practicable, avoid residential neighborhoods, especially those neighborhoods that are considered to be impoverished.*

(c) *Requiring that all nongovernmental helicopters bear identification numbers on the left side, right side and underside of the helicopter of*

sufficient size and clarity to be legible to persons on the ground at a distance of not less than 900 feet.

(d) Imposing penalties for violations of the ordinances. The penalties must include a fine of \$10,000 for the fifth or subsequent violation of an ordinance enacted pursuant to this section.

(e) Requiring the county airport to:

(1) Establish a toll-free telephone number for persons to report information regarding alleged violations of an ordinance enacted pursuant to this section; and

(2) Compile and maintain a record of each complaint that alleges a violation of an ordinance enacted pursuant to this section.

2. An ordinance enacted pursuant to this section must not apply to any helicopter that is operated:

(a) As an air ambulance, as that term is defined in NRS 450B.030;

(b) By a law enforcement agency; or

(c) By a branch of the Armed Forces of the United States.

Sec. 5. The board of county commissioners of each county whose population is 400,000 or more shall encourage the Federal Aviation Administration to adopt with respect to that county a Special Federal Aviation Regulation that is substantially similar to Special Aviation Regulation No. 71, prohibiting the operator of an air tour from conducting such a tour below an altitude of 1,500 feet.

Sec. 6. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.”

Amend the title of the bill to read as follows:

“AN ACT relating to counties; requiring certain counties to establish a committee on the abatement of noise attributable to the flight of helicopters and other aircraft; excluding from the purview of the committee the operation of certain types of aircraft; requiring certain counties, to the extent allowed by federal law, to enact and enforce certain ordinances concerning helicopters; excluding certain helicopters from the application of such ordinances; requiring the imposition of penalties for violations of such ordinances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires certain counties to establish committee on abatement of noise attributable to flight of certain helicopters and certain other aircraft and to enact ordinances concerning certain helicopters. (BDR 20-154)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 555.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 165.

Amend section 1, page 1, by deleting lines 7 and 8 and inserting:

“(b) At the time of his reemployment, he is receiving:

(1) An unmodified benefit; or

(2) A benefit actuarially reduced pursuant to subsection 6 of NRS 286.510 and has reached the required age at which he could have retired with an unmodified benefit.”.

Amend section 1, page 2, between lines 23 and 24, by inserting:

“5. A participating public employer shall not refuse to reemploy a retired employee who is eligible for reemployment pursuant to this section solely on the basis of the date of his retirement.”.

Amend sec. 7, page 6, line 34, by deleting: “subsections 4, 5 and 6” and inserting: “~~subsections 4, 5 and 6~~ this section”.

Amend sec. 7, page 7, line 20, after “4.” by inserting: *“If a retired employee who accepts employment or an independent contract with a public employer under this system pursuant to this section elects not to reenroll in the system pursuant to subsection 1 of NRS 286.525, the public employer with which the retired employee accepted employment or an independent contract may pay contributions on behalf of the retired employee to a retirement fund which is not a part of the system in an amount not to exceed the amount of the contributions that the public employer would pay to the system on behalf of a participating public employee who is employed in a similar position.*

5.”.

Amend sec. 7, page 7, line 29, by deleting “5.” and inserting “~~5.~~ 6.”.

Amend sec. 7, page 7, line 33, by deleting “6.” and inserting “~~6.~~ 7.”.

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. The public employees’ retirement board shall conduct an experience study on the public employees’ retirement system of the employment of retired public employees by public employers that participate in the public employees’ retirement system pursuant to section 1 of this act for the period between July 1, 2001, and July 1, 2004. The public employees’ retirement board shall submit a report of the study to the interim retirement and benefits committee of the legislature on or before December 31, 2004.”.

Amend sec. 8, page 7, line 37, before “This” by inserting “1.”.

Amend sec. 8, page 7, after line 37, by inserting:

“2. Section 1 of this act expires by limitation on June 30, 2005.”.

Amend the title of the bill, line 8, after “manner;” by inserting:

“requiring the public employees’ retirement board to conduct an experience study on the system of the employment of certain retired employees;”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 567.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 382.

Amend sec. 16, page 4, line 33, after “of” by inserting: “*statutory limits on damages that may be awarded against this state, including, without limitation, the limits in chapter 41 of NRS, with respect to*”.

Amend sec. 18, page 6, by deleting lines 1 through 9 and inserting:

~~“(b) Another statute of this state expressly governs the creation, perfection, priority or enforcement of a security interest created by this state or a governmental unit of this state;~~

~~(c) A statute of another state, a foreign country, or a governmental unit of another state or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the state, country, or governmental unit; or~~

~~(d)} or~~

(b) The rights of a transferee beneficiary or nominated person under a”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 567 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 636.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 608.

Amend section 1, page 1, by deleting lines 13 and 14 and inserting:

“(1) A local law enforcement agency ;

(2) A system for the nonemergency medical transportation of persons whose operation is authorized by the transportation services authority; or

(3) *If medically necessary, an ambulance service that holds a permit issued pursuant to the*".

Amend sec. 2, page 2, line 27, after "physician" by inserting: "*or physician's assistant*".

Amend sec. 2, page 2, by deleting lines 33 through 35.

Amend sec. 2, page 2, line 36, by deleting "3." and inserting "2."

Amend sec. 2, page 2, line 42, by deleting "~~3.~~ 4." and inserting "3."

Amend sec. 2, page 3, line 1, by deleting "~~4~~ 5." and inserting "4."

Amend sec. 3, page 3, by deleting line 13 and inserting:

"(b) *Arrange for the person to be transported by:*

(1) *A system for the nonemergency medical transportation of persons whose operation is authorized by the transportation services authority; or*

(2) *If medically necessary, an ambulance service*".

Amend the bill as a whole by deleting sections 4 and 5.

Amend the title of the bill to read as follows:

"AN ACT relating to mental health; authorizing certain persons to transport an allegedly mentally ill person to a mental health facility at the request of the proper authority; authorizing a physician's assistant or an advanced practitioner of nursing to conduct the medical examination required for the emergency admission of an allegedly mentally ill person to a mental health facility; and providing other matters properly relating thereto."

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 649.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 463.

Amend sec. 7, page 5, line 10, after "~~and~~;" by inserting "*and*".

Amend sec. 7, page 5, by deleting lines 13 and 14 and inserting "*persons,*".

Amend sec. 12, page 7, by deleting line 11 and inserting: "*any manner authorized by law*".

Amend sec. 15, page 7, line 47, after "*receive*" by inserting "*proposals or*".

Amend sec. 15, page 7, line 48, by deleting "*proposals.*" and inserting: "*proposals or invitation to bid.*".

Amend sec. 15, page 8, line 1, by deleting line 1 and inserting:

"2. *A request for proposals or invitation to bid for which proposals or bids may be submitted pursuant*".

Amend sec. 15, page 8, line 2, before "*bids*" by inserting "*proposals or*".

Amend sec. 15, page 8, line 3, before "*bids*" by inserting "*proposals or*".

Amend sec. 15, page 8, line 6, before "*bids*" by inserting "*proposals or*".

Amend sec. 15, page 8, line 9, after “*proposals*” by inserting: “*or invitation to bid*”.

Amend sec. 15, page 8, line 14, before “*bids*” by inserting “*proposals or*”.

Amend the bill as a whole by adding new sections designated sections 16.3 and 16.7, following sec. 16, to read as follows:

“Sec. 16.3. NRS 333.480 is hereby amended to read as follows:

333.480 The chief may purchase or acquire on behalf of the State of Nevada, and all officers, departments, institutions, boards, commissions, schools and other agencies in the executive department of the state government, volunteer fire departments, local governments as defined in NRS 354.474, conservation districts or irrigation districts of the State of Nevada, any supplies, materials or equipment of any kind required or deemed advisable for the state officers, departments, institutions, boards, commissions, schools, volunteer fire departments and other agencies or local governments as defined in NRS 354.474, conservation districts or irrigation districts that may be available ~~[from the General Services Administration or any other]~~ pursuant to an agreement with a vendor who has entered into an agreement with the General Services Administration or another governmental agency dealing in supplies, materials, equipment or donable surplus material ~~[]~~ if:

(a) The prices for the supplies, materials or equipment negotiated in the agreement that the chief enters into with the vendor are substantially similar to the prices for those supplies, materials or equipment that the vendor had negotiated with the General Services Administration or other governmental agency; and

(b) The chief determines that such an agreement would be in the best interests of the state.

Sec. 16.7. NRS 353.1465 is hereby amended to read as follows:

353.1465 1. Upon approval of the state board of finance, a state agency may enter into contracts with issuers of credit cards or debit cards *or operators of systems that provide for the electronic transfer of money* to provide for the acceptance of credit cards , ~~[or]~~ debit cards *or electronic transfers of money* by the agency:

(a) For the payment of money owed to the agency for taxes, interest, penalties or any other obligation; or

(b) In payment for goods or services.

2. Before a state agency may enter into a contract pursuant to subsection 1, the agency must submit the proposed contract to the state treasurer for his review and transmittal to the state board of finance.

3. ~~[H]~~ Except as otherwise provided in subsection 4, if the issuer or operator charges the state agency a fee for each use of a credit card or debit card ~~[a contract entered into pursuant to subsection 1 must include a provision that requires the state agency to pay the fee charged by the issuer for the use of the credit card or debit card.]~~

~~4. Except as otherwise provided in subsection 5, the payment of fees charged by the issuer for each use of a credit card or debit card must be treated in the same manner as any other administrative cost of the agency.~~

~~5.] or for each electronic transfer of money, the state agency may require the cardholder or the person requesting the electronic transfer of money to pay a fee, which must not exceed the amount charged to the state agency by the issuer or operator.~~

4. A state agency that is required to pay a fee charged by the issuer or operator for the use of a credit card or debit card or for an electronic transfer of money may, pursuant to NRS 353.148, file a claim with the director of the department of administration for reimbursement of the fees paid to the issuer or operator during the immediately preceding quarter.

~~{6.}~~ 5. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Credit card" means any instrument or device, whether known as a credit card or credit plate, or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(c) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(d) "*Electronic transfer of money*" has the meaning ascribed to it in NRS 463.01473.

(e) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card."

Amend sec. 17, page 8, line 36, by deleting: "card , ~~{or}~~" and inserting "card or".

Amend sec. 17, page 8, line 42, before "*electronic*" by inserting "*for each*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 550 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 328 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 447 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 630 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:00 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman de Braga moved that Assembly Bill No. 391 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman de Braga.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 328.

Bill read second time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 594.

Amend sec. 2, page 2, line 6, by deleting "court," and inserting "[court,] division,".

Amend sec. 2, page 2, line 8, after "and," by inserting: "to the court,".

Amend sec. 3, page 2, line 30, after "176A.860" by inserting "1.".

Amend sec. 3, page 2, by deleting lines 36 through 42 and inserting: "~~the central repository for Nevada records of criminal history. If the division determines after an investigation that the applicant meets the requirements of this section, it shall petition~~"

2. *Upon receiving an application pursuant to subsection 1, the division shall determine whether the applicant has been granted an honorable discharge from probation. If the division determines that the applicant has been granted an honorable discharge, the division shall forward the application to the court in which the applicant was convicted . ~~for an order granting the restoration. If the division refuses to submit such a petition, the~~*

~~applicant may, after notice to the division, directly petition the court for restoration of his civil rights.]~~

3. *Upon receiving an application pursuant to subsection 2, the court shall, as soon as reasonably practicable, restore the civil rights of the applicant.*

4. *An applicant must not be required to pay a fee to have his civil rights restored pursuant to this section.”.*

Amend sec. 11, page 7, by deleting lines 27 through 35 and inserting: “resulting from the offense or crime of which he was convicted. ~~[If, after investigation,]~~

3. *Upon receiving an application pursuant to subsection 2, the board ~~[determines that]~~ shall determine whether the applicant ~~[meets the requirements of this subsection, it]~~ has received a pardon. If the board determines that the applicant has received a pardon, the board shall , as soon as reasonably practicable, restore him to his civil rights and release him from all penalties and disabilities resulting from the offense or crime of which he was convicted. ~~[If the board refuses to grant such restoration and release, the applicant may, after notice to the board, petition the district court in which the conviction was obtained for an order directing the board to grant such restoration and release.]~~*

4. *An applicant must not be required to pay a fee to have his civil rights restored or to be released from penalties and disabilities pursuant to this section.”.*

Amend sec. 12, pages 7 and 8, by deleting lines 45 through 49 on page 7 and lines 1 through 9 on page 8, and inserting:

~~“after completion of parole,] he may apply to the [state board of parole commissioners for] division to request a restoration of his civil rights and release from penalties and disabilities which resulted from the offense or crime of which he was convicted. [The application must be accompanied by a current, certified record of the applicant’s criminal history received from the central repository for Nevada records of criminal history. If, after investigation, the board determines that the applicant meets the requirements of this subsection, it]~~

3. *Upon receiving an application pursuant to subsection 2, the division shall determine whether the applicant has received an honorable discharge from parole. If the division determines that the applicant has received an honorable discharge, the division shall forward the application to the board.*

4. *Upon receiving an application pursuant to subsection 3, the board shall , as soon as reasonably practicable, restore ~~[him]~~ the applicant to his civil rights and release him from all penalties and disabilities resulting from the offense or crime of which he was convicted. ~~[If the board refuses to grant such restoration and release, the applicant may, after notice to the board, petition the district court in which the conviction was obtained for an order directing the board to grant such restoration and release.]~~*

5. *An applicant must not be required to pay a fee to have his civil rights restored or to be released from penalties and disabilities pursuant to this section.”.*

Amend sec. 12, page 8, line 10, by deleting “3.” and inserting “[3-] 6.”.

Amend sec. 13, page 8, line 13, after “213.157” by inserting “1.”.

Amend sec. 13, page 8, by deleting lines 21 through 28 and inserting:
~~“criminal history. If, after investigation, the division determines that the applicant meets the requirements of this section, it shall petition]~~

2. *Upon receiving an application pursuant to subsection 1, the division shall determine whether the applicant has served his sentence and been released from prison. If the division determines that the applicant has served his sentence and been released from prison, the division shall forward the application to the district court in which the conviction was obtained .* ~~{for an order granting such restoration and release. If the division refuses to submit such petition, the applicant may, after giving notice to the division, petition such court directly for the restoration of his}~~

3. *Upon receiving an application pursuant to subsection 2, the court shall, as soon as reasonably practicable, restore the civil rights of the applicant and release him from all penalties and disabilities which resulted from the offense or crime of which he was convicted.*

4. *An applicant must not be required to pay a fee to have his civil rights restored or to be released from penalties and disabilities pursuant to this section.”.*

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of the history of Assembly and Senate Bills on the General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblymen Brown, Ohrenschall, Giunchigliani and Collins.

Roll call on Assembly Bill No. 465:

YEAS—29.

NAYS—Anderson, Arberry, Bache, Buckley, Giunchigliani, Koivisto, Leslie, Manendo, Mortenson, Ohrenschall, Perkins, Williams—12.

EXCUSED—Freeman.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 63:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 131:

YEAS—28.

NAYS—Angle, Beers, Brown, Carpenter, Cegavske, Chowning, Gustavson, Marvel, Mortenson, Nolan, Tiffany, Von Tobel, Williams—13.

EXCUSED—Freeman.

Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

Bill read third time.

Remarks by Assemblymen Bache, Carpenter, Buckley, Beers and Gibbons.

Assemblyman Beers moved the previous question.

Motion failed.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. This bill adds to the definition of meeting, any series of gathering of members of a public body at which (1) less than a quorum is present at any individual gathering, (2) the members of the public body attending the gathering collectively constitute a quorum, and (3) the series of gatherings was held with the intent to deliberate towards a decision to take action or any matter of which the public body has jurisdiction. The measure specifies that the term meeting includes "without limitation such a series of gatherings between individual members of a public body and its attorney, regarding potential or existing litigation involving the public body if the gathering were held with the intent to deliberate towards a decision or take action regarding the litigation." Finally, AB 225 creates an additional notice requirement under the open meeting law before a public body considers taking an administrative action against a person or requiring real property from a person through imminent domain. It must personally deliver written notice to that person at least five working days before the meeting or send notice by certified mail to the last-known address of the person at least 21 working days before the meeting.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of AB 225. The first part of this bill adds something that has been lacking in the open meeting law for a long time, and I think this will go a long way towards protecting our citizens.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, also, rise in support of AB 225. At a time when citizens are more and more skeptical of government, I think this goes a long way towards ensuring government decisions are conducted in the public. I want to commend my colleague from Assembly District 24, who is not with us today, whose hard work made this bill come to the floor today.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of AB 225. I rise in support of my colleague from Assembly District 24. She worked so hard on this bill and to be honest with you, I found her to be so courageous in putting forth this legislation, not allowing people to take it apart and make it a piece of legislation not really worthy. I urge this body to wholeheartedly support it and I'm sorry my colleague is not hear to speak on this bill.

Roll call on Assembly Bill No. 225:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 227, 318 and 418 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 227.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 588.

Amend section 1, page 2, line 1, after “(e)” by inserting: “*A labor union. (f)*”.

Amend section 1, page 2, line 4, by deleting “(f)” and inserting “(g)”.

Amend sec. 2, page 2, by deleting lines 11 through 17 and inserting: “*provisions of this chapter regulating committees for political action:*”

(a) *The secretary of state shall, in determining whether an entity or group is a committee for political action, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.*

(b) *The secretary of state shall, in determining whether an entity or group is a committee for political action, disregard any action taken by a group or entity that would”.*

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 418.

Bill read third time.

The following amendment was proposed by Assemblyman Humke:

Amendment No. 566.

Amend sec. 9, page 4, by deleting lines 3 through 9 and inserting: *“contracts with other parties. The commission shall exempt the provider from the requirements of its portfolio standard, or portions thereof, if the commission determines that:*

(a) The supply of electricity from renewable energy systems available to the provider is not or will not be sufficient for the provider to comply with the requirements of its portfolio standard, or portions thereof; or

(b) The costs for the provider to acquire electricity from renewable energy systems to comply with the requirements of its portfolio standard, or portions thereof, will exceed, by an amount of 10 percent or more, the costs for the provider to acquire the same amount of electricity from nonrenewable energy systems.”.

Assemblyman Humke moved the adoption of the amendment No. 566.

Remarks by Assemblymen Humke, de Braga, Hettrick, Tiffany, Bache, Brower, Von Tobel, Leslie and Collins.

Conflict of interest declared by Assemblyman Brower.

Amendment lost on a division of the House.

Amendment No. 603.

Amend sec. 6, page 2, by deleting lines 26 through 28 and inserting:

“(d) Solar energy; and

(e) Wind.”.

Amend sec. 7, page 2, line 34, by deleting *“thermal”*.

Amend sec. 7, page 2, line 37, by deleting *“inclusive.”* and inserting: *“inclusive, except for a net metering system that uses waterpower as its primary source of energy to generate electricity.”.*

Amend sec. 9, page 3, line 33, by deleting *“thermal”*.

Amend sec. 9, page 3, line 36, by deleting *“thermal”*.

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

“Sec. 10.5. “Biomass” has the meaning ascribed to it in section 3 of this act.”.

Amend sec. 11, page 4, by deleting lines 35 and 36 and inserting:

“Sec. 11. 1. “Renewable energy” means:

(a) Biomass;

(b) Hydrogen;

(c) Geothermal energy;

(d) Solar energy;

- (e) *Waterpower; and*
- (f) *Wind.*

2. *The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.”.*

Amend sec. 13, page 5, line 14, by deleting “section” and inserting: “sections 10.5 and”.

Amend the bill as a whole by deleting sec. 17 and adding a new section designated sec. 17, following sec. 16, to read as follows:

“Sec. 17. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a person intends to use or uses real property or personal property located in this state as a facility or energy system for the generation of electricity from renewable energy, the person may apply to the commission on economic development pursuant to this section for a partial abatement from the taxes imposed by this chapter.*

2. *The commission on economic development shall approve an application for a partial abatement pursuant to this section if the commission determines that the facility or energy system has not previously been allowed an exemption or partial abatement from the taxes imposed by this chapter.*

3. *If the commission on economic development approves an application for a partial abatement pursuant to this section:*

- (a) *The partial abatement applies only to the facility or energy system.*
- (b) *The partial abatement is:*

(1) *For a period of 10 consecutive years, beginning on or after July 1, 2001; and*

(2) *For an amount equal to 50 percent of the taxes imposed by this chapter on the facility or energy system for each year of that period.*

(c) *During the period of the partial abatement, the facility or energy system is not entitled to an exemption or partial abatement from the taxes imposed by this chapter pursuant to any other specific statute.*

(d) *The executive director of the commission on economic development shall notify the county assessor of each county in which the facility or energy system is located of the approval of the partial abatement, the date on which the partial abatement begins, and the duration and the percentage of the partial abatement. The executive director shall, on or before April 15 of each year, advise the county assessor of each county in which the facility or energy system is located as to whether the facility or energy system is entitled to the partial abatement in the next succeeding fiscal year.*

4. *As used in this section:*

(a) *“Biomass” has the meaning ascribed to it in section 3 of this act.*

(b) *“Facility or energy system for the generation of electricity from renewable energy” and “facility or energy system” mean a facility or energy system that:*

(1) *Uses renewable energy as its primary source of energy to generate electricity; and*

(2) *Is not located on residential property. The term includes all the equipment in the facility and all the components of the energy system that are used to collect and store the renewable energy and to convert the renewable energy into electricity.*

(c) *“Renewable energy” means:*

- (1) *Biomass;*
- (2) *Hydrogen;*
- (3) *Geothermal energy;*
- (4) *Solar energy;*
- (5) *Waterpower; and*
- (6) *Wind.*

The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.”.

Amend the title of the bill by deleting the eighth through eleventh lines and inserting: “conservation of energy and the use of alternative sources of energy; authorizing certain partial abatements from taxation for certain facilities and energy systems that use renewable energy to generate electricity; and providing other matters”.

Assemblywoman de Braga moved the adoption of the amendment No. 603.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 318.

Bill read third time.

The following amendment was proposed by Assemblyman Williams:

Amendment No. 602.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The department shall develop an informational pamphlet concerning the high school proficiency examination for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:*

(a) *Importance of passing the examination, including, without limitation, an explanation that if the pupil fails the examination he is not eligible to receive a standard high school diploma;*

(b) *Subject areas tested on the examination;*

(c) *Format for the examination, including, without limitation, the range of items that are contained on the examination;*

(d) *Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;*

(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;

(f) Maximum number of times that a pupil is allowed to take the examination if he fails to pass the examination after the first administration; and

(g) Courses of study that the department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination.

2. The department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the examination.

3. On or before September 1, the department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before January 15, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 3. 1. The department shall establish a statewide program for use by schools and school districts in their preparation of pupils for the high school proficiency examination. The program must:

(a) Be designed to ensure that pupils understand the format for the examination;

(b) Be designed to ensure that the actual examination is not included within the materials and other information used for preparation; and

(c) Specify the type of sample questions and practice items that may be included with the materials and other information used for preparation.

2. Each school district, each middle school, junior high and high school within a school district and each charter school that provides instruction to pupils enrolled in a middle school, junior high or high school grade level, shall comply with the statewide program established pursuant to subsection 1. This subsection does not preclude a school or a school district from

providing additional materials and information for preparation if the materials and information comply with the statewide program.

Sec. 4. 1. On or before September 1, 2001, the department of education shall develop an informational pamphlet concerning the high school proficiency examination pursuant to section 2 of this act. On or before October 1, 2001, the department of education shall provide a copy of the pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils who are enrolled in a junior high, middle school or high school grade level.

2. On or before September 1, 2001, the department of education shall establish a statewide program for use by schools and school districts in their preparation of pupils for the high school proficiency examination pursuant to section 3 of this act. On or before October 1, 2001, the department of education shall provide a detailed written explanation of the statewide program to the board of trustees of each school district and the governing body of each charter school that includes pupils who are enrolled in a junior high, middle school or high school grade level.

Sec. 5. 1. On or before January 15, 2002, the board of trustees of each school district and the governing body of each charter school that includes pupils who are enrolled in a junior high, middle school or high school grade level, shall provide a copy of the pamphlet developed pursuant to section 2 of this act to each pupil enrolled in a junior high, middle school or high school and to the parents or legal guardians of such a pupil.

2. Each school district, each middle school, junior high and high school within a school district and each charter school that provides instruction to pupils enrolled in a middle school, junior high or high school grade level, shall comply with the statewide program for the preparation of pupils for the high school proficiency examination established by the department of education pursuant to section 3 of this act commencing with preparation that is provided for administrations of the examination in the spring semester of 2002.

Sec. 6. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; requiring the department of education to develop an informational pamphlet for the high school proficiency examination; requiring the distribution of the pamphlet to pupils and parents and legal guardians; requiring the department to establish a statewide program for use by schools and school districts in their preparation of pupils for the high school proficiency examination; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for development and distribution of certain information relating to high school proficiency examination. (BDR 34-1301)”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 413.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Assembly Bill No. 413:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Assembly Bill No. 468:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 556.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 556:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 563.

Bill read third time.

Remarks by Assemblymen Bache, Koivisto, Humke, Anderson, Bache, Beers, Carpenter, Giunchigliani, Ocegüera and Parnell.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen Anderson, Bache, Beers, Carpenter, Giunchigliani, Humke, Koivisto, Ocegüera, Parnell and Perkins.

Roll call on Assembly Bill No. 563:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 619.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 619:

YEAS—40.

NAYS—None.

NOT VOTING—Carpenter.

EXCUSED—Freeman.

Assembly Bill No. 619 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Joint Resolution No. 12:

YEAS—38.

NAYS—Carpenter, Gibbons, Ohrenschall—3.

EXCUSED—Freeman.

Assembly Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblymen Dini, Carpenter and Tiffany.

Roll call on Senate Bill No. 271:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Senate Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblymen Buckley, Brower, Chowning, Beers, Brown and Collins.

Conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 207:

YEAS—39.

NAYS—None.

NOT VOTING—Brower, Goldwater—2.

EXCUSED—Freeman.

Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that upon return from the printer Assembly Bill No. 226 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Williams moved that upon return from the printer Assembly Bill No. 127 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 351 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Neighbors moved that upon return from the printer Assembly Bill No. 404 be placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Berman moved that Assembly Bill No. 296 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Berman.

Assemblyman Beers requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BERMAN:

Thank you, Mr. Speaker. As the primary sponsor of a bill that currently resides on the Chief Clerk's desk, AB 296, and while it was unanimously supported by this body, it is my desire to respectfully request that my colleagues will allow this bill to remain on the Chief Clerk's desk and put partisan politics aside for the better good of Nevada.

Allow me to take this opportunity to thank so many of my colleagues for their support of this bill on my behalf. Now, in saying this, please understand that my commitment as a public servant to the people of this state overrides party politics. So allow the process of government to continue and if this body chooses to use the language of my bill in another piece of legislation, then it would honor me to have my work utilized for the best interest of all Nevadans.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 93.

Bill read third time.

Roll call on Assembly Bill No. 93:

YEAS—39.

NAYS—Collins.

NOT VOTING—Oceguera.

EXCUSED—Freeman.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 617.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 617:

YEAS—26.

NAYS—Angle, Beers, Brower, Brown, Buckley, Carpenter, Chowning, de Braga, Gibbons, Gustavson, Humke, Marvel, Tiffany, Von Tobel—14.

NOT VOTING—Lee.

EXCUSED—Freeman.

Assembly Bill No. 617 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 457 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 578 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 447.

Bill read third time.

Remarks by Assemblymen Buckley, Brower and Beers.

Conflict of interest declared by Assemblyman Brower.

Assemblywoman Buckley moved that Assembly Bill No. 447 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 391:

YEAS—38.

NAYS—Buckley, Giunchigliani, Leslie—3.

EXCUSED—Freeman.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 432.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that a general law cannot be made applicable for the provisions of this act because of the economic and geographic diversity of the local governments of this state, the unusual growth patterns in certain of those local governments and the special conditions experienced in certain counties related to the need to provide basic services.

Sec. 2. Notwithstanding the provisions of chapter 482 of NRS to the contrary:

1. For the fiscal year beginning on July 1, 2001, one-half of all money received or collected by the Department of Motor Vehicles and Public Safety for the basic governmental services tax for:

(a) Vehicles not subject to the provisions of chapter 706 of NRS and not engaged in interstate or intercounty operation, for Clark, Douglas and Washoe counties and Carson City must be deposited in the state distributive school account after the portion of those tax proceeds required by NRS 482.181 has been distributed to the school districts in those counties.

(b) Vehicles subject to the provisions of chapter 706 of NRS and engaged in interstate or intercounty operation that would otherwise be distributed to Clark, Douglas and Washoe counties and Carson City pursuant to subsection 6 of NRS 482.180 must be deposited in the state distributive school account after the portion of those tax proceeds required by NRS 482.181 has been distributed to the school districts in those counties.

2. For the fiscal year beginning on July 1, 2002, all money received or collected by the Department of Motor Vehicles and Public Safety for the basic governmental services tax for:

(a) Vehicles not subject to the provisions of chapter 706 of NRS and not engaged in interstate or intercounty operation, for Clark, Douglas and Washoe counties and Carson City must be deposited in the state distributive school account after the portion of those tax proceeds required by NRS 482.181 has been distributed to the school districts in those counties.

(b) Vehicles subject to the provisions of chapter 706 of NRS and engaged in interstate or intercounty operation that would otherwise be distributed to Clark, Douglas and Washoe counties and Carson City pursuant to subsection

6 of NRS 482.180 must be deposited in the state distributive school account after the portion of those tax proceeds required by NRS 482.181 has been distributed to the school districts in those counties.

Sec. 3. Notwithstanding the provisions of chapter 354 of NRS to the contrary:

1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, each local government whose revenue from the basic governmental services tax is reduced as a direct result of the provisions of section 2 of this act may levy a property tax on all taxable property within the boundaries of the local government, for the fiscal year in which the revenue will be reduced, at a rate not to exceed the rate necessary to produce an amount of revenue equal to the revenue that the local government estimates would have been received from the basic governmental services tax in that fiscal year but for the provisions of section 2 of this act.

2. The revenue received by a local government from the property tax levied pursuant to subsection 1 must be deposited in the general fund of the local government.

Sec. 4. Notwithstanding the provisions of NRS 377.080 to the contrary, each local government whose revenue from the basic governmental services tax is reduced as a direct result of the provisions of section 2 of this act shall, if any portion of that revenue is pledged for payment of a general obligation bond pursuant to NRS 377.080, pledge an additional percentage of the revenue from NRS 360.680, 360.690 and 360.700 to be substituted for the pledge of revenue that is redistributed pursuant to section 2 of this act in an amount necessary to avoid an impairment of the underlying bond contract pursuant to which the revenue was pledged. To carry out the provisions of this subsection, the percentage of revenue pledged may exceed the 15 percent allowed by NRS 377.080.

Sec. 5. 1. Money deposited in the state distributive school account pursuant to section 2 of this act must be accounted for separately and distributed monthly among the several county school districts by the superintendent of public instruction in the same proportion that the total salaries paid to all educational personnel in the county bears to the total salaries paid to all educational personnel in all counties. The money must be deposited in the county school district fund.

2. On or before June 1, 2001, and June 1, 2002, the superintendent of public instruction shall determine the estimated percentage of increase in the salaries of all educational personnel in all the counties that could be fully funded by the money he estimates will be distributed during the fiscal year beginning on the next July 1. The estimated percentage of increase may not exceed 2 percent per year.

3. Each school district shall use the money distributed pursuant to subsection 1 to increase the salaries of the educational personnel in the district by the percentage of increase determined by the superintendent of public instruction pursuant to subsection 2 for the year for which the

percentage was established. Each school district may use any revenue not necessary to fund the salary increases for expenses relating to the recruitment of educational personnel.

Sec. 6. This act becomes effective upon passage and approval and expires by limitation on July 1, 2003.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; temporarily revising the provisions governing the distribution of a portion of the basic governmental services tax revenue to increase the amount allocated for educational purposes; allowing an increase in the amount of revenue from taxes ad valorem that certain larger counties may receive to offset the reduction in revenue resulting from the reallocation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Temporarily revises provisions governing distribution of portion of basic governmental services tax revenue to increase amount allocated for educational purposes. (BDR S-1152)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Dini moved that upon return from the printer Assembly Bill No. 457 be placed on the Chief Clerk’s desk.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 2:38 p.m.

ASSEMBLY IN SESSION

At 5:29 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 550 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 123, 302, 551, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 618, has had the same under consideration, and begs leave to report the same back with the

recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 123, 256, 302, 385, 395, 463, 551, 564 and 618 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 447 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

NOTICE OF EXEMPTION

April 26, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 127, 554 and 564.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 618.

MARK STEVENS

Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 123.

Bill read second time.

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

Amendment No. 522.

Amend the bill as a whole by deleting sections 1 through 25 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

“Section 1. NRS 679B.130 is hereby amended to read as follows:

679B.130 1. The commissioner may adopt reasonable regulations for the administration of any provision of this code or chapters 616A to 617, inclusive, of NRS ~~and~~ *and sections 3 and 4 of this act.*

2. A person who willfully violates any regulation of the commissioner is subject to such suspension or revocation of a certificate of authority or license, or administrative fine in lieu of such suspension or revocation, as may be applicable under this code or chapter 616A, 616B, 616C, 616D or 617 of NRS for violation of the provision to which the regulation relates. No penalty applies to any act done or omitted in good faith in conformity with any such regulation, notwithstanding that the regulation may, after the act or omission, be amended, rescinded or determined by a judicial or other authority to be invalid for any reason.

Sec. 2. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *In providing health insurance through a plan of self-insurance, the board shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.170 and 695G.200 to 695G.230, inclusive, in the same manner as an insurer that is licensed pursuant to Title 57 of NRS is required to comply with those provisions.*

Sec. 4. 1. *The board shall offer each state officer, employee, retired employee and any other person who is eligible to participate in the program, a choice of a policy of health insurance:*

(a) *Purchased by the board from an insurer; or*

(b) *Provided by the board through a plan of self-insurance established pursuant to NRS 287.0433.*

2. *On or before November 1 of each year, the board shall provide a written statement to each state officer, employee, retired employee and any other person who participates in the program. The statement must include information for the preceding fiscal year concerning:*

(a) *The amount of the premium charged for health insurance for that state officer, employee, retired employee or other person;*

(b) *For a state officer or employee, the amount of that premium which was paid by the department, agency, commission or public agency that employs the officer or employee on whose behalf the premium was paid;*

(c) *For a retired employee, the amount of that premium which was paid by the department of personnel pursuant to NRS 287.046; and*

(d) *Such other information as the commissioner of insurance may require by regulation.*

Sec. 5. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, *and sections 3 and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 287.0404 and 287.0406 have the meanings ascribed to them in those sections.

Sec. 6. NRS 287.043 is hereby amended to read as follows:

287.043 1. The board shall:

(a) Establish and carry out a program to be known as the public employees' benefits program which:

(1) Must include a program relating to *health insurance and group life* ~~or accident or health~~ *or accident insurance*, or any combination of these; and

(2) May include a program to reduce taxable compensation or other forms of compensation other than deferred compensation, for the benefit of all state officers and employees and other persons who participate in the program.

(b) Ensure that the program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.

2. In establishing and carrying out the program, the board shall:

(a) Except as otherwise provided in this paragraph, negotiate and contract with the governing body of any public agency enumerated in NRS 287.010 ~~[which is desirous of obtaining]~~ *that wishes to obtain* group insurance for its officers, employees and retired employees by participation in the program. The board shall establish separate rates and coverage for those officers, employees and retired employees based on actuarial reports.

(b) ~~[Give]~~ *Except as otherwise provided in paragraph (c), provide* public notice in writing of *any* proposed changes in rates or coverage to each participating public employer who may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

(c) *If a proposed change is a change in the premium charged for or coverage of health insurance, provide written notice of the proposed change to all state officers, employees, retired employees and other persons who participate in the program who may be affected by the proposed change. The notice must be provided at least 60 days before the date a state officer, employee, retired employee or other person is required to select or change his policy of health insurance.*

(d) Purchase policies of life ~~[, accident or health]~~ *or accident insurance*, or ~~[any combination of these,]~~ *both*, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this state or provide similar coverage through a plan of self-insurance established pursuant to NRS 287.0433 for the benefit of all eligible public officers, employees and retired employees who participate in the program.

~~[(d)]~~ (e) *Purchase a policy of health insurance from an insurer and provide similar coverage through a plan of self-insurance established pursuant to NRS 287.0433 for the purpose of providing a choice of coverage for health insurance to eligible public officers, employees and retired employees who participate in the program.*

(f) Except as otherwise provided in this Title, develop and establish other employee benefits as necessary.

~~[(e)]~~ (g) Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.

~~[(4)]~~ (h) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.0402 to 287.049, inclusive, and sections 3 and 4 of this act, including, without limitation, the establishment of:

(1) Fees for applications for participation in the program and for the late payment of premiums or contributions;

(2) Conditions for entry and reentry into the program by public agencies enumerated in NRS 287.010;

(3) The levels of participation in the program required for employees of participating public agencies;

(4) Procedures by which a group of participants in the program may leave the program pursuant to NRS 287.0479 and conditions and procedures for reentry into the program by ~~[such]~~ those participants; and

(5) Specific procedures for the determination of contested claims.

~~[(5)]~~ (i) Appoint an independent certified public accountant. The accountant shall provide:

(1) An annual audit of the program; and

(2) A biennial audit of the program to determine whether the program complies with federal and state laws relating to taxes and employee benefits. The accountant shall report to the board and the interim retirement and benefits committee of the legislature created pursuant to NRS 218.5373.

3. The board may use any services provided to state agencies and shall use the services of the purchasing division of the department of administration to establish and carry out the program.

4. The board may make recommendations to the legislature concerning legislation that it deems necessary and appropriate regarding the program.

5. The state and any other public employers that participate in the program are not liable for any obligation of the program other than indemnification of the board and its employees against liability relating to the administration of the program, subject to the limitations specified in NRS 41.0349.

6. As used in this section ~~[-“employee”]~~:

(a) “Employee benefits” includes any form of compensation provided to a state employee pursuant to this Title except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.

(b) “Insurer” has the meaning ascribed to it in NRS 679B.540.

Sec. 7. NRS 287.0433 is hereby amended to read as follows:

287.0433 The board ~~[may]~~:

1. May establish a plan of life ~~[-, accident or health]~~ or accident insurance and provide for the payment of contributions into the fund for the public employees’ benefits program established pursuant to NRS 287.0435, a schedule of benefits and the disbursement of benefits from the fund.

~~[The board may]~~

2. *Shall establish a plan of health insurance and provide for the payment of contributions into the fund for the public employees' benefits program established pursuant to NRS 287.0435, a schedule of benefits and the disbursement of benefits for health insurance from the fund.*

3. *May reinsure any risk or any part of such a risk.*

Sec. 8. NRS 287.044 is hereby amended to read as follows:

287.044 1. A part of the cost of the premiums or contributions for that group insurance, not to exceed the amount specified by law, applied to both group life and group accident or health coverage, for each public officer, except a senator or assemblyman, or employee electing to participate in the program, may be paid by the department, agency, commission or public agency which employs the officer or employee in whose behalf that part is paid from money appropriated to or authorized for that department, agency, commission or public agency for that purpose. Participation by the state in the cost of premiums or contributions must not exceed the amounts specified by law. If an officer or employee chooses to cover his dependents, whenever this option is made available by the board, except as otherwise provided in NRS 287.021 and 287.0477, he must pay the difference between the amount of the premium or contribution for the coverage for himself and his dependents and the amount paid by the state.

2. A department, agency, commission or public agency shall not pay any part of those premiums or contributions if the group life insurance or group accident or health insurance is not approved by the board.

3. *If a department, agency, commission or public agency pays any part of the premiums for group health coverage, it shall pay the same amount for a policy of health insurance:*

(a) Purchased by the board from an insurer; or

(b) Provided by the board through a plan of self-insurance established pursuant to NRS 287.0433.

Sec. 9. NRS 287.046 is hereby amended to read as follows:

287.046 1. Except as otherwise provided in subsection 6, any state or other participating officer or employee who elects to participate in the program may participate, and the department, agency, commission or public agency that employs the officer or employee shall pay the state's share of the cost of the premiums or contributions for the program from money appropriated or authorized as provided in NRS 287.044. Employees who elect to participate in the program must authorize deductions from their compensation for the payment of premiums or contributions for the program. *Any deduction from the compensation of an employee for the payment of a premium for health insurance must be based on the actual cost of providing that health insurance after deducting any amount of the premium which is paid by the department, agency, commission or public agency that employs the employee.*

2. The department of personnel shall pay a percentage of the base amount provided by law for that fiscal year toward the cost of the premiums

or contributions for the program for persons retired from the service of the state who have continued to participate in the program. Except as otherwise provided in subsection 3, the percentage to be paid must be calculated as follows:

(a) For those persons who retire before January 1, 1994, 100 percent of the base amount provided by law for that fiscal year.

(b) For those persons who retire on or after January 1, 1994, with at least 5 years of state service, 25 percent plus an additional 7.5 percent for each year of service in excess of 5 years to a maximum of 137.5 percent, excluding service purchased pursuant to NRS 286.300, of the base amount provided by law for that fiscal year.

3. If the amount calculated pursuant to subsection 2 exceeds the actual premium or contribution for the plan of the program that the retired participant selects, the balance must be credited to the fund for the public employees' benefits program created pursuant to NRS 287.0435.

4. For the purposes of subsection 2:

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of service.

5. The department shall agree through the board with the insurer for billing of remaining premiums or contributions for the retired participant and his dependents to the retired participant and to his dependents who elect to continue coverage under the program after his death.

6. A senator or assemblyman who elects to participate in the program shall pay the entire premium or contribution for his insurance.

Sec. 10. NRS 331.184 is hereby amended to read as follows:

331.184 The state risk manager shall:

1. Direct and supervise all administrative and technical activities of the risk management division ~~[-] of the department of administration.~~

2. Determine the nature and extent of requirements for insurance, other than group life, accident or health insurance, on risks of an insurable nature of the state and any of its agencies, the premiums for which are payable in whole or in part from public money.

3. Negotiate for, procure, purchase and have placed, through a licensed insurance agent or broker residing or domiciled in Nevada, or continued in effect all insurance coverages, other than employee group life, accident or health insurance, which may be reasonably obtainable, whether from insurers authorized to transact business in this state or under the surplus lines provisions of chapter 685A of NRS.

4. Conduct periodic inspections of premises, property and risks to determine insurability, risk and premium rate, and submit a written report of each inspection and appraisal, together with any recommendations that appear appropriate, to the administrator of the agency most responsible for the premises, property or risk, and to the director of the department of administration.

5. ~~[Provide]~~ *Except as otherwise provided in NRS 287.0433, provide for self-insurance if the potential loss is relatively insignificant or if the risk is highly predictable and the probability of loss is so slight that the cost of insuring the risk is not a prudent expenditure of public funds, or if insurance is unavailable or unavailable at a reasonable cost.*

6. Select reasonable deductibles when it appears economically advantageous to the state to do so.

7. Select comprehensive and blanket coverages insuring the property of two or more state agencies when that appears economically advisable.

8. Investigate and determine the reliability and financial condition of insurers, and the services they provide.

9. Minimize risks by adopting and promoting programs to control losses and encourage safety.

10. Perform any of the services described in subsections 2, 3 and 4 for any political subdivision of the state at the request of its managing officer or governing body.

11. Perform any other function of risk management as directed by the director of the department of administration.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health insurance; requiring the board of the public employees’ benefits program to comply with certain provisions concerning health insurance applicable to other insurers with regard to health insurance it provides through a plan of self-insurance; requiring the board to notify certain persons of a proposed change in the premium charged for or coverage of health insurance provided by the public employees’ benefits program; requiring the board to offer certain persons who participate in the program a choice of a policy of health insurance purchased by the board from an insurer or a policy of health insurance provided by the board through a plan of self-insurance; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to health insurance provided by public employees’ benefits program. (BDR 57-603)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 388.

Amend section 1, pages 2 and 3, by deleting lines 45 through 49 on page 2 and lines 1 through 15 on page 3, and inserting:

“3. Upon a determination by the board of county commissioners pursuant to subsection 4 to implement the increase provided in this subsection or the denial of a waiver requested pursuant to subsection 5, the annual salaries of the elected officers of the county set forth in subsection 2 must be increased on July 1, 2002, and each July 1 thereafter by the lesser of:

(a) The average percentage by which the salaries of all employees of the county were increased during the previous fiscal year; or

(b) The percentage by which the average hourly wage in the county increased during the previous fiscal year, as determined on July 1 of each year by the employment security division of the department of employment, training and rehabilitation.

Increases in the annual salaries of the elected officers of the county required pursuant to this section are cumulative.

4. At a regular meeting held on or before July 1 of each fiscal year, the board of county commissioners shall:

(a) Implement an increase in the annual salaries of the elected officers of the county based on the calculation set forth in subsection 3, if any; or

(b) Request a waiver pursuant to subsection 5 from the requirement of implementing the increase in the salaries.

5. The board of county commissioners may apply to the committee on local government finance for a waiver from the requirement of granting an increase in the annual salaries of the elected officers of the county for the next fiscal year pursuant to subsection 3 if the board determines that the financial resources of the county are insufficient to pay the increase in the next fiscal year. The committee on local government finance shall grant such a waiver if it finds that the financial resources of the county are insufficient to pay the increase in the next fiscal year.”.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 4 through 6 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 245.044 is hereby repealed.

Sec. 3. Notwithstanding the provisions of section 2 of this act that repeal NRS 245.044, an elected county officer who is serving a term of office on July 1, 2001, and who is eligible to receive the additional salary provided in NRS 245.044 is entitled to continue to receive credit for service for the calculation of that additional salary until the expiration of his current term and his salary must be increased accordingly as if NRS 245.044 is not repealed by this act. For each calendar year that an elected officer serves after the expiration of the term which he is serving as of July 1, 2001, the board of county commissioners shall continue to pay the additional salary of the elected officer based on the percentage of additional salary payable to the elected officer pursuant to this section in the final year of his current term.”.

Amend sec. 2, page 3, by deleting lines 16 through 32 and inserting:

“Sec. 4. 1. At the first regular meeting of the board of county commissioners of a county on or after the effective date of this section, the board shall determine whether to:

(a) Implement the annual salaries of the elected officers of the county set forth in subsection 2 of NRS 245.043, as amended by this act; or

(b) Request a waiver from the applicability of subsection 2 of NRS 245.043, as amended by this act, in the manner set forth in subsection 2.

2. The board of county commissioners of a county may apply to the committee on local government finance for a waiver from the applicability of subsection 2 of NRS 245.043, as amended by this act, in fiscal year 2001-2002 if the board determines that the financial resources of the county are insufficient to pay the increases set forth in that subsection in fiscal year 2001-2002. The committee on local government finance shall grant such a waiver for a period of not more than 1 year if it finds that the financial resources of the county are insufficient to pay the increases set forth in subsection 2 of NRS 245.043, as amended by this act, in fiscal year 2001-2002. The board of county commissioners may apply to the committee on local government finance for one or more extensions of the waiver granted to the county pursuant to this section. The committee on local government finance shall extend such a waiver for a period of not more than 1 year for each requested extension if it finds that the financial resources of the county continue to be insufficient to pay the increases set forth in subsection 2 of NRS 245.043, as amended by this act.”.

Amend sec. 4, page 3, by deleting line 36 and inserting:

“Sec. 6. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2, 3 and 5 of this act become effective on July 1, 2001.”.

Amend the bill as a whole by adding the text of the repealed section, following sec. 4, to read as follows:

“

TEXT OF REPEALED SECTION

245.044 Payment for longevity for elected county officers.

1. On and after July 1, 1973, if an elected county officer has served in his office for more than 4 years, he is entitled to an additional salary of 2 percent of his base salary provided in NRS 245.043 for each full calendar year he has served in his office.

2. The additional salary provided in this section for an eligible county officer:

(a) Must be computed on July 1 of each year by multiplying 2 percent of the base salary provided in NRS 245.043 by the number of full calendar years the elected county officer has served in his office; and

(b) Must not exceed 20 percent of the base salary provided in NRS 245.043.

3. Service on the board of supervisors of Carson City for the initial term which began on July 1, 1969, and ended on the first Monday of January, 1973, shall be deemed to constitute 4 full calendar years of service for the purposes of this section.”.

Amend the title of the bill, third line, after “circumstances;” by inserting: “repealing prospectively the payment of longevity for elected county officers;”.

Amend the summary of the bill to read as follows:
“SUMMARY—Increases annual salaries of certain elected county officers and repeals prospectively longevity payments for those officers. (BDR 20-420)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 302.

Bill read second time.

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

Amendment No. 523.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 16 and the text of the repealed section, following the enacting clause, to read as follows:

“Section 1. Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a written complaint regarding a licensee is filed with the board, the board shall review the complaint. If, from the complaint or from other records, it appears that the complaint is not frivolous, the board shall transmit the original complaint and any facts or information obtained from the review to the attorney general.*

2. *The attorney general shall conduct an investigation of the complaint to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the attorney general determines that further proceedings are warranted, he shall report the results of his investigation and his recommendation to the board.*

3. *The board shall promptly make a determination with respect to each complaint reported to it by the attorney general. The board shall:*

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

Sec. 2. NRS 634A.020 is hereby amended to read as follows:

634A.020 As used in this chapter, unless the context otherwise requires:

1. “Acupuncture” means the insertion of needles into the human body by piercing the skin of the body to control and regulate the flow and balance of energy in the body and to cure, relieve or palliate:

- (a) Any ailment or disease of the mind or body; or
- (b) Any wound, bodily injury or deformity.

2. "Board" means the state board of Oriental medicine.

3. ~~["Doctor of acupuncture" means a person licensed under the provisions of this chapter to practice acupuncture.~~

4.] "Doctor of Oriental medicine" means a person who is licensed under the provisions of this chapter to practice *as a doctor of* Oriental medicine.

~~[5.]~~ 4. "Herbal medicine" and "practice of herbal medicine" mean suggesting, recommending, prescribing or directing the use of herbs for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, bodily injury or deformity.

~~[6.]~~ 5. "Herbs" means plants or parts of plants valued for medicinal qualities.

~~[7. "Licensed assistant in acupuncture" means a person who assists in the practice of acupuncture under the direct supervision of a person licensed under the provisions of this chapter to practice Oriental medicine or acupuncture.~~

8.] 6. "Oriental medicine" means that system of the healing art which places the chief emphasis on the flow and balance of energy in the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease. The term includes the practice of acupuncture and herbal medicine and other services approved by the board.

Sec. 3. NRS 634A.080 is hereby amended to read as follows:

634A.080 The board shall:

1. Hold meetings at least once a year and at any other time at the request of the president or the majority of the members;

2. Have and use a common seal;

3. Deposit in interest-bearing accounts in the State of Nevada all ~~[moneys]~~ *money* received under the provisions of this chapter, which ~~[shall]~~ *must* be used to defray the expenses of the board;

4. *Establish and maintain a list of accredited schools and colleges of Oriental medicine that are approved by the board;*

5. Operate on the basis of the fiscal year beginning July 1, and ending June 30; and

~~[5.]~~ 6. Keep a record of its proceedings which ~~[shall]~~ *must* be open to the public at all times and which ~~[shall also]~~ *must* contain the name and business address of every registered licensee in this state.

Sec. 4. NRS 634A.090 is hereby amended to read as follows:

634A.090 1. A school or college of Oriental medicine may be established and maintained in this state only if:

(a) Its establishment is approved by the board; and

(b) Its curriculum is approved annually by the board for content and quality of instruction in accordance with the requirements of this chapter.

2. The board may prescribe the ~~{courses}~~ *course* of study required for the ~~[respective degrees of doctor of acupuncture and]~~ *degree* of doctor of Oriental medicine.

Sec. 5. NRS 634A.120 is hereby amended to read as follows:

634A.120 1. ~~[Examinations must be given at least once a year at a time and place fixed by the board.]~~

~~2. Applicants for licenses to practice acupuncture or Oriental medicine or to practice as an assistant in acupuncture must be examined in the appropriate subjects as determined by the board.]~~ *Each applicant for a license to practice as a doctor of Oriental medicine must pass:*

(a) An examination in Oriental medicine that is administered by a national organization approved by the board; and

(b) A practical examination approved by the board that tests the applicant's knowledge and understanding of the laws and regulations of this state relating to health and safety in the practice of Oriental medicine. The board shall contract for the preparation, administration and grading of the practical examination.

2. Except as otherwise provided in subsection 3, the board shall offer the practical examination at least two times each year at a time and place established by the board.

3. The board may cancel a scheduled practical examination if, within 60 days before the examination, the board has not received a request to take the examination.

4. A person who fails the practical examination may retake the examination.

Sec. 6. NRS 634A.140 is hereby amended to read as follows:

634A.140 The board shall issue ~~[separate licenses]~~ *a license* to practice ~~[respectively]~~ *as a doctor of Oriental medicine* ~~[or acupuncture, as appropriate, where the applicant:~~

~~1. Has successfully completed a course of study of:~~

~~(a) Four years in Oriental medicine; or~~

~~(b) Three years in acupuncture;~~

~~at any college or school approved by the board which is located in any country, territory, province or state or has qualifications considered equivalent by the board;~~

~~2. Has practiced Oriental medicine, including acupuncture and herbal medicine for 6 years; and~~

~~3. Passes the examination of the board.]~~ *to an applicant who:*

1. Has:

(a) A bachelor's degree from an accredited college or university in the United States;

(b) Successfully completed a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine that is approved by the board;

(c) *Passed an investigation of his background and personal history conducted by the board; and*

(d) *Passed the examinations required by NRS 634A.120;*

2. *Has:*

(a) *Been licensed to practice Oriental medicine in another state;*

(b) *Lawfully practiced Oriental medicine in another state for at least 4 years;*

(c) *Passed an investigation of his background and personal history conducted by the board; and*

(d) *Passed the examinations required by NRS 634A.120; or*

3. *Has:*

(a) *A bachelor's degree, or its equivalent, from a college or university that is approved by the board and located in a foreign country;*

(b) *Successfully completed a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine that is approved by the board;*

(c) *Passed an investigation of his background and personal history conducted by the board; and*

(d) *Passed the examinations required by NRS 634A.120.*

Sec. 7. NRS 634A.160 is hereby amended to read as follows:

634A.160 1. Every license must be displayed in the office, place of business or place of employment of the holder thereof.

2. Every person holding a license shall pay to the board on or before February 1 of each year, the annual ~~registration~~ fee for a license required pursuant to subsection 4. The holder of a license shall submit with the ~~registration~~ fee the statement required pursuant to NRS 634A.115. If the holder of a license fails to pay the ~~registration~~ fee or submit the statement, his license must be suspended. The license may be reinstated by payment of the required fee and submission of the statement within 90 days after February 1.

3. A license which is suspended for more than 3 months under the provisions of subsection 2 may be canceled by the board after 30 days' notice to the holder of the license.

4. The annual ~~registration fees~~ fee for a license must be prescribed annually by the board and must not exceed \$1,000.

Sec. 8. NRS 634A.167 is hereby amended to read as follows:

634A.167 1. To renew a license issued pursuant to this chapter, each person must, on or before February 1 of each year:

(a) Apply to the board for renewal;

(b) Submit the statement required pursuant to NRS 634A.115;

(c) Pay the annual fee for ~~registration~~ a license prescribed by the board; and

(d) Submit evidence to the board of his completion of the requirements for continuing education.

2. The board shall, as a prerequisite for the renewal or reinstatement of a license, require each holder of a license to comply with the requirements for continuing education adopted by the board.

Sec. 9. NRS 634A.170 is hereby amended to read as follows:

634A.170 The board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of:

(a) A felony;

(b) Any offense involving moral turpitude;

(c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; or

(d) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;

3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

4. Advertising by means of a knowingly false or deceptive statement;

5. Advertising, practicing or attempting to practice under a name other than one's own;

6. Habitual drunkenness or habitual addiction to the use of a controlled substance;

7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;

8. Sustaining a physical or mental disability which renders further practice dangerous;

9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;

10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;

11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;

12. Being adjudicated incompetent or insane;

13. Advertising in an unethical or unprofessional manner;

14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;

15. Willful disclosure of a privileged communication;

16. Failure of a licensee to designate the nature of his practice in the professional use of his name by the term doctor of Oriental medicine ; ~~doctor of acupuncture or acupuncture assistant, as the case may be;~~

17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the state board of health;

18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering; and

19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body.

Sec. 10. NRS 634A.190 is hereby amended to read as follows:

634A.190 1. Persons licensed pursuant to this chapter are not subject to the provisions of chapter 630 of NRS.

2. A person who is licensed pursuant to this chapter to practice *as a doctor of Oriental medicine* may refer to himself as a physician of Oriental medicine.

Sec. 11. NRS 634A.210 is hereby amended to read as follows:

634A.210 Doctors of Oriental medicine ~~[and doctors of acupuncture]~~ shall observe and are subject to all state and municipal regulations relative to reporting all births and deaths in all matters pertaining to the public health.

Sec. 12. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection 2, an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person from error or omission in practice by the provider of health care.

2. This time limitation is tolled:

(a) For any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to him.

(b) In any action governed by the provisions of NRS 41A.003 to 41A.069, inclusive, from the date a claimant files a complaint for review by a screening panel until 30 days after the date the panel notifies the claimant, in writing, of its findings. The provisions of this paragraph apply to an action against the provider of health care and to an action against any person, government or political subdivision of a government who is alleged by the claimant to be liable vicariously for the medical or dental malpractice of the provider of health care, if the provider, person, government or political subdivision has received notice of the filing of a complaint for review by a screening panel within the limitation of time provided in subsection 1.

3. For the purposes of this section, the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in

determining whether to prosecute any cause of action limited by subsection 1. If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury against any provider of health care upon the removal of his disability, except that in the case of:

(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.

(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury.

4. As used in this section, "provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, ~~[doctor of acupuncture,]~~ medical laboratory director or technician, or a licensed hospital as the employer of any such person.

Sec. 13. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6 and NRS 202.24915, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist ~~[,]~~ or doctor of Oriental medicine . ~~[or doctor of acupuncture.]~~

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:

(1) Is leased to or operated by a person licensed pursuant to NRS 463.160; and

(2) Does not otherwise qualify for an exemption set forth in NRS 202.24915.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8. As used in this section:

(a) "Child care facility" means an establishment licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.

(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(c) "Public building" means any building or office space owned or occupied by:

(1) Any component of the University and Community College System of Nevada and used for any purpose related to the system.

(2) The State of Nevada and used for any public purpose, other than that used by the department of prisons to house or provide other services to offenders.

(3) Any county, city, school district or other political subdivision of the state and used for any public purpose.

If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) "School bus" has the meaning ascribed to it in NRS 483.160.

Sec. 14. NRS 634A.150 is hereby repealed.

Sec. 15. A person who submits an application to the state board of Oriental medicine for a license to practice as a doctor of Oriental medicine before January 1, 2002, is not required to comply with the requirement set forth in paragraph (a) of subsection 1 of NRS 634A.120 if he has passed an examination in Oriental medicine administered by a national organization after December 31, 1999, and before October 1, 2001.

Sec. 16. Notwithstanding the provisions of NRS 634A.140, the state board of Oriental medicine shall issue a license to practice as a doctor of Oriental medicine to any person who, on October 1, 2001, holds a license as an assistant in acupuncture or a license to practice as a doctor of acupuncture issued by the board if he submits an application and the fee for the issuance of the license to the board before January 1, 2002.

TEXT OF REPEALED SECTION

634A.150 Issuance of license as assistant in acupuncture. The board shall issue a license for an assistant in acupuncture where the applicant:

1. Has successfully completed a course of study in acupuncture in any college or school approved by the board which is located in any country, territory, province or state requiring an attendance of 3 years or other qualifications deemed by the board to be equivalent to the course of study; and

2. Passes the examination of the board for assistant in acupuncture or has other qualifications deemed by the board to be the equivalent.”.

Amend the title of the bill to read as follows:

“AN ACT relating to Oriental medicine; revising the provisions relating to the issuance of a license to practice as a doctor of Oriental medicine; abolishing the license to practice as a doctor of acupuncture and the license for an assistant in acupuncture; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to practice of Oriental medicine. (BDR 54-1083)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 385.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 468.

Amend section 1, page 2, between lines 9 and 10, by inserting:

“4. As used in this section, “public facilities” means water, sanitary sewer, storm sewer, street, parks, fire, police and flood protection.”.

Amend sec. 3, page 3, by deleting lines 23 through 32 and inserting:

“2. In lieu of reconveying land pursuant to subsection 1, the board of county commissioners may sell the land to any member of the general public if the board first grants to the person from whom the land was received or acquired, or his successor in interest, for 90 days after the date on which the board makes a determination to sell the land, the opportunity to purchase the land. If the land was acquired through the exercise of the power of eminent domain, the land must be offered to the person from whom it was acquired, or his successor in interest, for an amount equal to the value of the land at the time it was acquired from the person, prorated accordingly if less than the entire parcel of land that was acquired from the person is being sold, plus interest at the rate established pursuant to NRS 99.040. If the land was acquired or received other than through the exercise of the power of eminent domain, the land must be offered to the person from whom it was acquired or received for an amount equal to the appraised value of the land at the time of proposed sale. If a person to whom the right of first refusal is granted pursuant to this subsection, does not exercise his right of first refusal by responding within the 90-day period, the board may proceed with the sale of the land to any member of the general public.”.

Amend sec. 3, page 4, between lines 24 and 25, by inserting:

“7. The board of county commissioners shall not reconvey, sell or exchange land pursuant to this section that is subject to eminent domain until title to the land has been transferred to the county.”.

Amend sec. 4, page 4, line 29, by deleting “security” and inserting “public safety”.

Amend sec. 4, page 4, line 34, by deleting “security” and inserting “public safety”.

Amend sec. 4, page 4, line 38, by deleting “security” and inserting “public safety”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 392.

Amend section 1, page 1, line 11, before “alcohol” by inserting “recovering”.

Amend section 1, page 1, lines 13 and 14, by deleting “the house,” and inserting:

~~“the house,”~~ *a residential facility for groups,”*.

Amend section 1, page 1, line 16, before “*alcohol*” by inserting “*recovering*”.

Amend section 1, page 2, lines 25 and 26, by deleting: “~~660~~ 1,500 feet” and inserting: “~~660 feet~~ *the minimum distance established by the governing body pursuant to this subsection*”.

Amend section 1, page 2, lines 32 and 33, by deleting: “~~660~~ 1,500 feet of each other” and inserting: “~~660 feet~~ *the minimum distance of each other established by the governing body pursuant to this subsection*”.

Amend section 1, page 2, line 34, after “*regulations.*” by inserting: “*For purposes of this subsection, each governing body shall establish by ordinance a minimum distance between residential establishments that is at least 660 feet but not more than 1,500 feet.*”.

Amend section 1, page 2, line 42, before “*alcohol*” by inserting “*recovering*”.

Amend section 1, page 3, line 4, before “*alcohol*” by inserting “*recovering*”.

Amend the bill as a whole by renumbering sec. 2 as sec. 13 and adding new sections designated sections 2 through 12, following section 1, to read as follows:

“Sec. 2. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

2. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

3. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

4. “Bureau” means the bureau of alcohol and drug abuse in the department.

5. “Chief” means the chief of the bureau.

6. “Civil protective custody” means a custodial placement of a person for the purpose of protecting his health or safety. Civil protective custody does not have any criminal implication.

7. “Department” means the department of human resources.

8. “Detoxification technician” means a person who is certified by the bureau to provide screening for the safe withdrawal from alcohol and other drugs.

9. “Director” means the director of the department.

10. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

11. "Halfway house for *recovering* alcohol and drug abusers" means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455.

Sec. 3. NRS 458.025 is hereby amended to read as follows:

458.025 The bureau of alcohol and drug abuse is hereby created in the department. The bureau:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for education, prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout the state.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for trained teachers, persons who have professional training in fields of health and others involved in the education and prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

In developing and revising the state plan, the bureau shall consider, among other things, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of the money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in the state. The bureau must be consulted in the planning of projects and advised of all applications for grants from within the state which are concerned with alcohol and drug abuse programs, and shall review and advise concerning the applications.

3. Shall develop and publish standards of certification and may certify or deny certification of operators of halfway houses for *recovering* alcohol and drug abusers, halfway houses for *recovering* alcohol and drug abusers, detoxification technicians or any facilities or programs on the basis of the standards, and publish a list of certified operators of halfway houses for *recovering* alcohol and drug abusers, halfway houses for *recovering* alcohol and drug abusers, detoxification technicians, facilities and programs. Any operators of halfway houses for *recovering* alcohol and drug abusers, halfway houses for *recovering* alcohol and drug abusers, detoxification technicians, facilities or programs which are not certified are ineligible to

receive state and federal money for alcohol and drug abuse programs. The chief:

(a) Shall establish the requirements for continuing education for persons certified as detoxification technicians; and

(b) May set fees for the certification of operators of halfway houses for *recovering* alcohol and drug abusers, halfway houses for *recovering* alcohol and drug abusers, detoxification technicians, facilities or programs. The fees must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may the fee for a certificate exceed the actual cost to the bureau of issuing the certificate.

4. Upon request from a facility which is self-supported, may certify the facility, its programs and detoxification technicians and add them to the list described in subsection 3.

Sec. 4. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as a detoxification technician or as the operator of a halfway house for *recovering* alcohol and drug abusers shall submit to the bureau the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The bureau shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the bureau.

3. The certification of a person as a detoxification technician or as the operator of a halfway house for *recovering* alcohol and drug abusers may not be issued or renewed by the bureau if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the director shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 5. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the bureau receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional,

occupational and recreational licenses, certificates and permits issued to a person who has been certified as a detoxification technician or as the operator of a halfway house for *recovering* alcohol and drug abusers, the bureau shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the bureau receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The bureau shall reinstate the certification of a person as a detoxification technician or as the operator of a halfway house for *recovering* alcohol and drug abusers, that has been suspended by a district court pursuant to NRS 425.540 if the bureau receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 6. NRS 458.028 is hereby amended to read as follows:

458.028 An application for the certification of a detoxification technician or as the operator of a halfway house for *recovering* alcohol and drug abusers, must include the social security number of the applicant.

Sec. 7. NRS 458.141 is hereby amended to read as follows:

458.141 1. No person, state or local government or agency thereof may operate or maintain in this state a halfway house for *recovering* alcohol and drug abusers without first obtaining a certificate therefor from the bureau.

2. A person who operates a halfway house for *recovering* alcohol and drug abusers without a certificate issued by the bureau is guilty of a misdemeanor.

Sec. 8. NRS 458.145 is hereby amended to read as follows:

458.145 Each certificate issued by the bureau to a halfway house for *recovering* alcohol and drug abusers expires on the first December 31 following its issuance and is renewable for 1 year upon reapplication and payment of a renewal fee established pursuant to NRS 458.025.

Sec. 9. NRS 458.151 is hereby amended to read as follows:

458.151 The bureau may:

1. Upon receipt of an application for certification as a halfway house for *recovering* alcohol and drug abusers, conduct an investigation into the premises, qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of that halfway house.

2. Upon receipt of a complaint against a halfway house for *recovering* alcohol and drug abusers, conduct an investigation into the premises, qualification of personnel, methods of operation, policies, procedures and records of that halfway house.

3. Inspect a halfway house for *recovering* alcohol and drug abusers at any time, with or without notice, as often as is necessary to ensure compliance with all applicable regulations and standards adopted by the bureau.

Sec. 10. NRS 458.155 is hereby amended to read as follows:

458.155 1. If a halfway house for *recovering* alcohol and drug abusers violates any provisions related to its certification, including, without limitation, any law of this state or any applicable condition, standard or regulation adopted by the bureau, the bureau may:

- (a) Suspend or revoke its certification; and
- (b) Impose an administrative fine of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

2. If a halfway house for *recovering* alcohol and drug abusers fails to pay an administrative fine imposed pursuant to subsection 1, the bureau may:

- (a) Suspend the certificate of the halfway house until the administrative fine is paid; and

- (b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative fine.

3. Any money collected as an administrative fine must be deposited in the state general fund. If money is needed to pay the costs of an investigation or inspection to carry out the provisions of NRS 458.141 to 458.171, inclusive, the bureau may present a claim to the state board of examiners for recommendation to the interim finance committee.

Sec. 11. NRS 458.165 is hereby amended to read as follows:

458.165 1. The bureau may bring an action in the name of the state to enjoin any person, state or local government or agency thereof from operating or maintaining a halfway house for *recovering* alcohol and drug abusers:

- (a) Without first obtaining a certificate therefor; or
- (b) After such a certificate has been revoked or suspended by the bureau.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a halfway house without a certificate.

Sec. 12. NRS 458.171 is hereby amended to read as follows:

458.171 The district attorney of the county in which a halfway house for *recovering* alcohol and drug abusers is located shall, upon application by the bureau, institute and conduct the prosecution of any action for the violation of NRS 458.141.”.

Amend sec. 2, page 3, by deleting line 8 and inserting:

“Sec. 13. 1. This section and sections 7 to 12, inclusive, and 14 of this act become effective on July 1, 2001.

2. Sections 2 to 6, inclusive, of this act become effective at 12:01 a.m. on July 1, 2001.”.

Amend the bill as a whole by adding a new section designated sec. 14, following sec. 2, to read as follows:

“Sec. 14. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section which is not amended by this act or is further amended by another act, appropriately change any references to a halfway house for alcohol and drug abusers to a halfway house for recovering alcohol and drug abusers.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to a halfway house for alcohol and drug abusers to a halfway house for recovering alcohol and drug abusers.”.

Amend the title of the bill, second line, after “facilities;” by inserting: “changing the statutory name of “halfway house for alcohol and drug abusers”;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing authority of city or county to control location of certain residential facilities and changes statutory name of “halfway house for alcohol and drug abusers.” (BDR 22-1118)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 470.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sec. 5 as sec. 2.

Amend the bill as a whole by deleting sections 6 through 9 and adding new sections designated sections 3 and 4, following sec. 5, to read as follows:

“Sec. 3. The amendatory provisions of this act do not apply to offenses committed before the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to animals; clarifying that certain provisions related to riding horses in public places do not apply to police officers while performing their official duties; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing use of certain animals. (BDR 15-809)”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 551.

Bill read second time.

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

Amendment No. 336.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 24, following the enacting clause, to read as follows:

“Section 1. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Demonstrator of cosmetics” means a person who, without charge and without advertising his services, demonstrates the application of cosmetics in a cosmetological establishment for the sole purpose of selling cosmetics.*

Sec. 3. *The board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the board in proper form, paid the fee and:*

- 1. Is at least 18 years of age;*
 - 2. Is of good moral character;*
 - 3. Has completed a course provided by the board relating to sanitation;*
- and*
- 4. Has received a score of not less than 75 percent on the examination administered by the board.*

Sec. 4. *The examination for a license as a demonstrator of cosmetics:*

- 1. Must include a written or oral test relating to sanitation; and*
- 2. May include such other demonstrations and tests as the board may require.*

Sec. 5. *Any food or beverages that are sold for immediate consumption in a cosmetological establishment must be sold in an area of the cosmetological establishment which is sufficiently separated from the area of the cosmetological establishment where cosmetological services are provided.*

Sec. 6. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.029, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 644.0205 is hereby amended to read as follows:

644.0205 “Aesthetician” means any person who engages in the practices of:

1. Beautifying, massaging, cleansing or stimulating the skin of the human body, except the scalp, by the use of cosmetic preparations, antiseptics, tonics, lotions or creams , or any device, electrical or otherwise, for the care of the skin;

2. Applying ~~[make-up]~~ *cosmetics* or eyelashes to any person, tinting eyelashes and eyebrows , and lightening hair on the body except the scalp; and

3. Removing superfluous hair from the body of any person by the use of depilatories, waxing or tweezers, but does not include the branches of cosmetology of a cosmetologist, hair designer, electrologist or manicurist.

Sec. 8. NRS 644.023 is hereby amended to read as follows:

644.023 “Cosmetologist” means a person who engages in the practices of:

1. Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

2. Cutting, trimming or shaping the hair.

3. Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.

4. Removing superfluous hair from the *surface of the* body of any person by the use of electrolysis ~~[to remove the hair from the surface of the body]~~ where the growth is a blemish, or by the use of depilatories, waxing or tweezers, except for the permanent removal of hair with needles.

5. Manicuring the nails of any person.

6. Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device, electrical or otherwise, for the care of the skin.

7. Giving facials or skin care or applying ~~[make-up]~~ *cosmetics* or eyelashes to any person.

Sec. 9. NRS 644.024 is hereby amended to read as follows:

644.024 “Cosmetology” includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer , *demonstrator of cosmetics* and manicurist.

Sec. 10. NRS 644.130 is hereby amended to read as follows:

644.130 1. The board shall keep a record containing the name, known place of business , and the date and number of the license of every manicurist, electrologist, aesthetician, hair designer , *demonstrator of cosmetics* and cosmetologist, together with the names and addresses of all cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure.

2. The board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee.

(b) A member of the general public, except information concerning the address and telephone number of a licensee.

Sec. 11. NRS 644.212 is hereby amended to read as follows:

644.212 An application for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of this act* must include the social security number of the applicant.

Sec. 12. NRS 644.214 is hereby amended to read as follows:

644.214 1. An applicant for the issuance or renewal of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of this act* shall submit to the board the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or evidence of registration; or

(b) A separate form prescribed by the board.

3. A license or evidence of registration may not be issued or renewed by the board pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of this act* if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 13. NRS 644.220 is hereby amended to read as follows:

644.220 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than \$40 and not more than \$75.

(b) For examination as an electrologist, not less than \$40 and not more than \$75.

(c) For examination as a hair designer, not less than \$40 and not more than \$75.

(d) For examination as a manicurist, not less than \$40 and not more than \$75.

(e) For examination as an aesthetician, not less than \$40 and not more than \$75.

(f) For examination as an instructor of aestheticians or in cosmetology or manicuring, \$40.

The fee for each reexamination is not less than \$40 and not more than \$75.

2. *In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is \$40.*

3. Each applicant referred to in ~~subsection~~ subsections 1 and 2 shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 14. NRS 644.240 is hereby amended to read as follows:

644.240 Examinations for licensure as a cosmetologist may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, manicuring, ~~make-up,~~ cosmetics, thermal curling, marcelling, facial massage, massage of the scalp with the hands, and cutting, trimming or shaping hair;

2. Written or oral tests on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a cosmetologist; and

(c) The laws of Nevada and the regulations of the board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the board may require.

Sec. 15. NRS 644.247 is hereby amended to read as follows:

644.247 The examinations for an aesthetician may include:

1. Practical demonstrations in facial massage, ~~make-up,~~ cosmetics or arching the eyebrow;

2. Written and oral tests on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity in the care of skin; and

(c) The laws of Nevada and the regulations of the board relating to cosmetology; and

3. Such other demonstrations and tests as the board requires.

Sec. 16. NRS 644.260 is hereby amended to read as follows:

644.260 The board shall issue a license as a cosmetologist, aesthetician, electrologist, hair designer, manicurist, *demonstrator of cosmetics* or instructor to each applicant who:

1. Passes a satisfactory examination, conducted by the board to determine his fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license.

Sec. 17. NRS 644.300 is hereby amended to read as follows:

644.300 Every licensed manicurist, electrologist, aesthetician, hair designer, *demonstrator of cosmetics* or cosmetologist shall, within 30 days after changing his place of business, as designated in the records of the board, notify the secretary of the board of his new place of business. Upon receipt of the notification, the secretary shall make the necessary change in the records.

Sec. 18. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, manicurist, provisional instructor, *demonstrator of cosmetics* and instructor expires on July 1 of the next succeeding odd-numbered year.

2. The board shall adopt regulations governing the proration of the fee required for initial licenses issued for less than 1 1/2 years.

Sec. 19. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the board at any time during the month of June of the year in which the license expires;

(b) Accompanied by the statement required pursuant to NRS 644.214; and

(c) Accompanied by the fee for renewal.

2. The fees for renewal are:

(a) For manicurists, electrologists, aestheticians, hair designers, *demonstrators of cosmetics* and cosmetologists, not less than \$30 and not more than \$50.

(b) For instructors, not less than \$40 and not more than \$60.

(c) For cosmetological establishments, not less than \$60 and not more than \$100.

(d) For schools of cosmetology, not less than \$450 and not more than \$500.

3. For each month or fraction thereof after July 1 in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of \$25 for a school of cosmetology and \$10 for a cosmetological establishment and all persons licensed pursuant to this chapter.

4. An application for the renewal of a license as a cosmetologist, hair designer, aesthetician, electrologist, manicurist, *demonstrator of cosmetics* or instructor must be accompanied by two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

Sec. 20. NRS 644.330 is hereby amended to read as follows:

644.330 1. A manicurist, electrologist, aesthetician, hair designer, cosmetologist, *demonstrator of cosmetics* or instructor whose license has expired may have his license renewed only upon submission of the statement required pursuant to NRS 644.214 and payment of all required fees.

2. Any manicurist, electrologist, aesthetician, hair designer, cosmetologist, *demonstrator of cosmetics* or instructor who retires from practice for more than 1 year may have his license restored only upon submission of the statement required pursuant to NRS 644.214 and payment of all required fees.

3. No manicurist, electrologist, aesthetician, hair designer, cosmetologist, *demonstrator of cosmetics* or instructor who has retired from practice for more than 4 years may have his license restored without examination and must comply with any additional requirements established in regulations adopted by the board.

Sec. 21. NRS 644.360 is hereby amended to read as follows:

644.360 1. Every holder of a license issued by the board to operate a cosmetological establishment shall display the license in plain view of members of the general public in the principal office or place of business of the holder.

2. The operator of a cosmetological establishment shall lease space to or employ only licensed manicurists, electrologists, aestheticians, hair designers, *demonstrators of cosmetics* and cosmetologists at his establishment to provide cosmetological services.

Sec. 22. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the board:

(a) Failure of an owner of a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, electrologist, instructor, manicurist, *demonstrator of cosmetics* or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license as provided in NRS 644.290, 644.360 and 644.410.

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the board, may justify such action.

2. If the board determines that a violation of this section has occurred, it may:

- (a) Refuse to issue or renew a license;
- (b) Revoke or suspend a license;
- (c) Place the licensee on probation for a specified period; or
- (d) Impose a fine not to exceed \$1,000.

Sec. 23. NRS 644.435 is hereby amended to read as follows:

644.435 1. If the board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been issued a license or been registered pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of this act* the board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the license or registration stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The board shall reinstate a license or registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of this act* that has been suspended by a district court pursuant to NRS 425.540 if the board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 644.460 is hereby amended to read as follows:

644.460 1. The following persons are exempt from the provisions of this chapter:

(a) All persons authorized by the laws of this state to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of ~~[make-up]~~ *cosmetics* if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a cosmetological service except ~~[make-up]~~ *cosmetics* and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his employee does not advertise cosmetological services and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the department of prisons or the Caliente youth center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.”.

Amend the title of the bill to read as follows:

“AN ACT relating to cosmetology; requiring the licensing of a demonstrator of cosmetics; authorizing the sale of food or beverages in a cosmetological establishment under certain circumstances; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 564.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 396.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 286.160 is hereby amended to read as follows:

286.160 1. The board shall employ an executive officer who serves at the pleasure of the board. The executive officer shall select an operations officer, investment officer, manager of information systems, administrative assistant and administrative analyst whose appointments are effective upon confirmation by the board. The operations officer, investment officer, manager of information systems, administrative assistant and administrative analyst serve at the pleasure of the executive officer.

2. The executive officer, operations officer, investment officer, manager of information systems, administrative assistant and administrative analyst are entitled to annual salaries fixed by the board with the approval of the interim retirement ~~[and—benefits]~~ committee of the legislature created pursuant to NRS 218.5373. The salaries of these employees are exempt from the limitations of NRS 281.123.

3. The executive officer must:

(a) Be a graduate of a 4-year college or university with a degree in business administration or public administration or *an* equivalent degree.

(b) Possess at least 5 years' experience in a high level administrative or executive capacity, including responsibility for a variety of administrative functions such as retirement, insurance, investment or fiscal operations.

4. The operations officer and the investment officer must each be a graduate of a 4-year college or university with a degree in business administration or public administration or an equivalent degree.

5. Except as otherwise provided in NRS 284.143, the executive officer shall not pursue any other business or occupation or perform the duties of any other office of profit during normal office hours unless on leave approved in advance. The executive officer shall not participate in any business enterprise or investment in real or personal property if the system owns or has a direct financial interest in that enterprise or property.

Sec. 2. NRS 286.211 is hereby amended to read as follows:

286.211 1. The board shall, with the advice of the interim retirement ~~[and—benefits]~~ committee of the legislature created pursuant to NRS 218.5373:

(a) Adopt regulations for the evaluation of requests for enrollment under the police and firemen's retirement fund; and

(b) Determine those positions eligible under the early retirement provisions for police officers and firemen.

2. Service in any position which has not been determined by the board to be eligible does not entitle a member to early retirement as a fireman or police officer.”.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

“If a retired member of the program or his dependent is eligible for and elects to be provided coverage for medical or hospital service, or both, by the Health Insurance for”.

Amend section 1, page 1, line 9, before “charges” by inserting “eligible”.

Amend section 1, page 1, line 11, by deleting “services” and inserting: “*hospital services, or both,*”.

Amend the bill as a whole by renumbering sec. 2 as sec. 6 and adding new sections designated sections 4 and 5, following section 1, to read as follows:

“Sec. 4. NRS 287.0424 is hereby amended to read as follows:

287.0424 1. The board shall employ an executive officer who is in the unclassified service of the state and serves at the pleasure of the board. The

board may delegate to the executive officer the exercise or discharge of any power, duty or function vested in or imposed upon the board.

2. The executive officer must:

(a) Be a graduate of a 4-year college or university with a degree in business administration or public administration or an equivalent degree, as determined by the board; and

(b) Possess at least 5 years' experience in a high-level administrative or executive capacity in the field of insurance, management of employees' benefits or risk management, including, without limitation, responsibility for a variety of administrative functions such as personnel, accounting, data processing or the structuring of insurance programs.

3. Except as otherwise provided in NRS 284.143, the executive officer shall not pursue any other business or occupation or perform the duties of any other office of profit during normal office hours unless on leave approved in advance. The executive officer shall not participate in any business enterprise or investment with any vendor or provider to the program.

4. The executive officer is entitled to an annual salary fixed by the board with the approval of the interim ~~{retirement and}~~ benefits committee of the legislature created pursuant to ~~[NRS 218.5373.]~~ *section 7 of this act*. The salary of the executive officer is exempt from the limitations set forth in NRS 281.123.

Sec. 5. NRS 287.0426 is hereby amended to read as follows:

287.0426 1. The executive officer may appoint a quality control officer, operations officer, accounting officer, information technology systems officer and executive assistant who are in the unclassified service of the state and serve at the pleasure of the executive officer. The appointment and dismissal of the quality control officer are subject to the approval of the board.

2. The quality control officer, operations officer, accounting officer and information technology systems officer must each be a graduate of a 4-year college or university with a degree that is appropriate to their respective responsibilities or possess equivalent experience as determined by the board.

3. The quality control officer, operations officer, accounting officer, information technology systems officer and executive assistant are entitled to annual salaries fixed by the board with the approval of the interim ~~{retirement and}~~ benefits committee of the legislature created pursuant to ~~[NRS 218.5373.]~~ *section 7 of this act*. The salaries of these employees are exempt from the limitations set forth in NRS 281.123.

4. The executive officer may employ such staff in the classified service of the state as are necessary for the performance of his duties, within limits of legislative appropriations or other available money.”.

Amend sec. 2, page 2, by deleting line 16 and inserting:

“retired state officers and employees and their dependents must be reduced for those retired state officers and employees and their dependents who are eligible for and have elected to be provided coverage”.

Amend sec. 2, page 2, line 17, by deleting *“provided”*.

Amend sec. 2, page 2, line 42, by deleting *“1”* and inserting *“3”*.

Amend sec. 2, page 3, by deleting lines 11 and 12 and inserting: *“The accountant shall report to the board and the interim ~~retirement and~~ benefits committee of the legislature created pursuant to ~~[NRS 218.5373.]~~ section 7 of this act.”.*

Amend sec. 2, page 3, by deleting line 22 and inserting: *“coverage for medical or hospital service, or both, by the Health”.*

Amend the bill as a whole by renumbering sec. 3 as sec. 11 and adding new sections designated sections 7 through 10, following sec. 2, to read as follows:

“Sec. 7. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created an interim benefits committee of the legislature to review the operation of the public employees’ benefits program and to make recommendations to the board of the public employees’ benefits program, the legislative commission and the legislature. The interim benefits committee consists of six members appointed as follows:

(a) Three members of the senate, one of whom is the chairman of the committee on finance during the preceding session and two of whom are appointed by the majority leader of the senate.

(b) Three members of the assembly, one of whom is the chairman of the committee on ways and means and two of whom are appointed by the speaker of the assembly.

2. The immediate past chairman of the assembly standing committee on ways and means is the chairman of the interim benefits committee for the period ending with the convening of each odd-numbered session of the legislature. The immediate past chairman of the senate standing committee on finance is the chairman of the interim benefits committee during the next legislative interim, and the chairmanship alternates between the houses of the legislature according to this pattern.

3. The interim benefits committee may exercise the powers conferred on it by law only when the legislature is not in regular or special session and shall meet at the call of the chairman.

4. The director of the legislative counsel bureau shall provide a secretary for the interim benefits committee.

5. The members of the interim benefits committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided by NRS 218.2207 for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem

allowances, compensation and travel expenses of the members of the committee must be paid from the legislative fund.

Sec. 8. NRS 218.5373 is hereby amended to read as follows:

218.5373 1. There is hereby created an interim retirement ~~{and benefits}~~ committee of the legislature to review the operation of the public employees' retirement system ~~{and the public employees' benefits program}~~ and to make recommendations to the public employees' retirement board , ~~{and the board of the public employees' benefits program.}~~ the legislative commission and the legislature. The interim retirement ~~{and benefits}~~ committee consists of six members appointed as follows:

(a) Three members of the senate, one of whom is the chairman of the committee on finance during the preceding session and two of whom are appointed by the majority leader of the senate.

(b) Three members of the assembly, one of whom is the chairman of the committee on ways and means and two of whom are appointed by the speaker of the assembly.

2. The immediate past chairman of the senate standing committee on finance is the chairman of the interim retirement ~~{and benefits}~~ committee for the period ending with the convening of each odd-numbered session of the legislature. The immediate past chairman of the assembly standing committee on ways and means is the chairman of the interim retirement ~~{and benefits}~~ committee during the next legislative interim, and the chairmanship alternates between the houses of the legislature according to this pattern.

3. The interim retirement ~~{and benefits}~~ committee may exercise the powers conferred on it by law only when the legislature is not in regular or special session and shall meet at the call of the chairman.

4. The director of the legislative counsel bureau shall provide a secretary for the interim retirement ~~{and benefits}~~ committee.

5. The members of the interim retirement ~~{and benefits}~~ committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided by NRS 218.2207 for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem allowances, compensation and travel expenses of the members of the committee must be paid from the legislative fund.

Sec. 9. 1. There is hereby appropriated from the state general fund to the board of the public employees' benefits program created by NRS 287.041 the sum of \$100,000 to provide reproductive services for participants in the public employees' benefits program who reside in northern Nevada and are not entitled to receive those services from the health maintenance organization offered by the program.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the

state general fund as soon as all payments of money committed have been made.”.

Amend sec. 3, page 3, by deleting line 40 and inserting:

“Sec. 10. 1. This section and section 9 of this act become effective on July 1, 2001.

2. Sections 1 to 8, inclusive, of this act become effective on January 1, 2002.”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 3, to read as follows:

“Sec. 11. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section which is not amended by this act or is further amended by another act, appropriately change any references to the interim retirement and benefits committee to the interim retirement committee or the interim benefits committee, as appropriate.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to the interim retirement and benefits committee to the interim retirement committee or the interim benefits committee, as appropriate.”.

Amend the title of the bill, eighth line, after “bureau;” by inserting: “reorganizing the interim retirement and benefits committee of the legislature into the interim retirement committee of the legislature and the interim benefits committee of the legislature; making an appropriation;”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 564 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 618.

Bill read second time.

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

Amendment No. 443.

Amend sec. 4, page 2, line 3, by deleting “*certified*”.

Amend sec. 63, page 17, by deleting line 29 and inserting:

“2. Except as otherwise provided in subsections 3 ~~[, 5 and 6,]~~ and 5 to 9,”.

Amend sec. 63, page 18, by deleting lines 1 through 39 and inserting:

“(b) *Documents obtained or received from other sources upon the express condition that they remain confidential.*

6. All information and documents in the possession of the division or any of its employees which are related to cases or matters under investigation by the commissioner or his staff are confidential for the period of the investigation and may not be made public unless the commissioner finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event he may make a record public or publish all or any part of the record in any manner he deems appropriate.

7. *The commissioner may classify as confidential the records of a consumer or information relating to a consumer to protect the health, welfare or safety of the consumer.*

8. *In performing his duties, the commissioner may:”.*

Amend sec. 63, page 19, line 8, by deleting “10.” and inserting “9.”.

Amend sec. 71, page 26, line 38, after “NRS” by inserting “677.247 or”.

Amend the bill as a whole by adding a new section designated sec. 137.5, following sec. 137, to read as follows:

“Sec. 137.5. NRS 687A.033 is hereby amended to read as follows:

687A.033 1. “Covered claim” means an unpaid claim or judgment, including a claim for unearned premiums, which arises out of and is within the coverage of an insurance policy to which this chapter applies issued by an insurer which becomes an insolvent insurer, if one of the following conditions exists:

(a) The claimant or insured, if a natural person, is a resident of this state at the time of the insured event.

(b) The claimant or insured, if other than a natural person, maintains its principal place of business in this state at the time of the insured event.

(c) The property from which the first party property damage claim arises is permanently located in this state.

(d) The claim is not a covered claim pursuant to the laws of any other state and the premium tax imposed on the insurance policy is payable in this state pursuant to NRS 680B.027.

2. The term does not include:

(a) An amount that is directly or indirectly due a reinsurer, insurer, insurance pool or underwriting association, as recovered by subrogation, indemnity or contribution, or otherwise.

(b) That part of a loss which would not be payable because of a provision for a deductible or a self-insured retention specified in the policy.

(c) Except as otherwise provided in this paragraph, any claim filed with the association after:

(1) Eighteen months after the date of the order of liquidation; or

(2) The final date set by the court for the filing of claims against the liquidator or receiver of the insolvent insurer, whichever is earlier. The provisions of this paragraph do not apply to a claim for workers’ compensation that is reopened pursuant to the provisions of NRS 616C.390.

(d) A claim filed with the association for a loss that is incurred but is not reported to the association before the expiration of the period specified in subparagraph (1) or (2) of paragraph (c).

(e) An obligation to make a supplementary payment for adjustment or attorney's fees and expenses, court costs or interest and bond premiums incurred by the insolvent insurer before the appointment of a liquidator, unless the expenses would also be a valid claim against the insured.

(f) A first party or third party claim brought by or against an insured, if the aggregate net worth of the insured and any affiliate of the insured, as determined on a consolidated basis, is more than \$25,000,000 on December 31 of the year immediately preceding the date the insurer becomes an insolvent insurer. *The provisions of this paragraph do not apply to a claim for workers' compensation.*

Amend the bill as a whole by adding a new section designated sec. 166.5, following sec. 166, to read as follows:

"Sec. 166.5. NRS 690C.160 is hereby amended to read as follows:

690C.160 1. A provider who wishes to issue, sell or offer for sale service contracts in this state must submit to the commissioner:

(a) A registration application on a form prescribed by the commissioner;

(b) Proof that he has complied with the requirements for security set forth in NRS 690C.170;

(c) A copy of each type of service contract he proposes to issue, sell or offer for sale;

(d) The name, address and telephone number of each administrator with whom the provider intends to contract; and

(e) A fee of \$1,000.

2. In addition to the fee required by subsection 1, a provider must pay a fee of \$25 for each type of service contract he files with the commissioner.

3. A certificate of registration is valid for 1 year after the date the commissioner issues the certificate to the provider. A provider may renew his certificate of registration if, before the certificate expires, he submits to the commissioner an application on a form prescribed by the commissioner and a fee of ~~[\$500.]~~ \$1,000."

Amend the bill as a whole by renumbering sections 174 and 175 as sections 227 and 228 and adding new sections designated sections 173.5 through 226, following sec. 173, to read as follows:

"Sec. 173.5. Chapter 693A of NRS is hereby amended by adding thereto the provisions set forth as sections 174 to 226, inclusive, of this act.

Sec. 174. *As used in sections 174 to 202, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 175 to 180, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 175. *"Closed block" means an allocation of assets of the converting mutual sufficient to maintain payments of guaranteed benefits and the continuation of the current dividends for eligible members.*

Sec. 176. *“Consideration” means cash, stock or other valuable compensation approved by the commissioner.*

Sec. 177. *“Converting mutual” means a domestic mutual insurance company or a mutual insurance holding company that has adopted a plan of conversion to a domestic stock insurance company pursuant to sections 174 to 202, inclusive, of this act.*

Sec. 178. *“Eligible member” means a person who has a membership interest in the converting mutual on the date on which the board of directors of the converting mutual adopts a resolution proposing a plan of conversion and an amendment to its articles of incorporation.*

Sec. 179. *“New stock insurer” means the domestic stock insurer that is created when the commissioner issues a certificate of authority to a converting mutual pursuant to section 188 of this act.*

Sec. 180. *“Policyholder” means a person who holds a policy issued by the converting mutual on the day on which the plan of conversion is initially approved by the board of directors of the converting mutual.*

Sec. 181. *A domestic mutual insurer or a mutual insurance holding company may amend its articles of incorporation to become a domestic stock insurer by complying with sections 174 to 202, inclusive, of this act and obtaining a certificate of authority from the commissioner.*

Sec. 182. 1. *The board of directors of a domestic mutual insurer or a mutual insurance holding company may adopt a resolution proposing a plan of conversion and an amendment to its articles of incorporation. The resolution must be approved by a vote of not less than two-thirds of the members of the board.*

2. *The plan of conversion must:*

(a) *Require the distribution of consideration equal to not less than the fair market value of the surplus of the converting mutual to the eligible members in exchange for the extinguishment of their membership interests in the converting mutual.*

(b) *Describe the manner in which the fair market value of the converting mutual and its surplus has been or will be determined.*

(c) *Require the distribution of consideration to the eligible members upon extinguishment of their membership interests in the converting mutual.*

(d) *Provide that membership interests in the converting mutual are extinguished as of the effective date of conversion.*

(e) *Specify the structure and form of the proposed consideration, including, without limitation, the projected range of the number of shares of capital stock to be:*

(1) *Issued to policyholders by the new stock insurer or the holding company of the new stock insurer; and*

(2) *Sold or reserved for sale to investors by the new stock insurer or the holding company of the new stock insurer, or to the trust established pursuant to this section.*

(f) *If the distribution of consideration will not be made immediately following the final order of the commissioner approving the conversion, provide for the establishment of a trust for the exclusive benefit of policyholders into which shares of the capital stock of the new stock insurer or the holding company of the new stock insurer must be placed pending distribution to the policyholders. The terms of the trust are subject to the approval of the commissioner. Such a trust may exist only for a period of 6 months after the final approval of the conversion, during which time the distribution of consideration to eligible policyholders and other persons must be completed.*

(g) *Provide for the determination of the reasonable dividend expectations of eligible members and other policyholders of policies that provide for distribution of policy dividends and the preservation of such expectations through the establishment of a closed block of assets.*

(h) *Provide for such other proposed conditions and provisions as the board of directors of the converting mutual determines are necessary and are not inconsistent with the provisions of sections 174 to 202, inclusive, of this act.*

Sec. 183. *A converting mutual shall file with the commissioner an application to convert to a domestic stock insurer. The application must be accompanied by a nonrefundable fee of \$2,450. The application must include, without limitation:*

- 1. The plan of conversion adopted by the board of directors.*
- 2. A certification that the plan of conversion was duly adopted by a vote of not less than two-thirds of the members of the board of directors of the converting mutual.*
- 3. A certification that the plan of conversion is fair and equitable to the policyholders. This certification must be adopted by a vote of not less than two-thirds of the members of the board of directors of the converting mutual.*
- 4. A statement of the reasons for the proposed conversion and why the conversion is in the best interest of the converting mutual, including, without limitation, a:*
 - (a) Detailed analysis of the risks and benefits of the proposed conversion to the converting mutual and its members; and*
 - (b) Comparison of the risks and benefits of the conversion with the risks and benefits of a reasonable alternative to the conversion.*
- 5. A written opinion addressed to the board of directors of the converting mutual from a qualified, independent financial advisor attesting that the:*
 - (a) Consideration to be provided to the membership of the converting mutual is fair to the eligible members as a group; and*
 - (b) Total consideration to be provided to the membership is equal to or greater than the surplus of the converting mutual.*
- 6. An opinion from a qualified actuary attesting that all methodologies and formulas used to allocate the consideration among eligible members are reasonable.*

7. *Certified copies of the proposed amendments to the articles of incorporation and bylaws to effect the conversion.*

8. *A copy of the form of the trust agreement of any trust to be used in connection with the conversion.*

9. *A plan of operation for a closed block to preserve the reasonable dividend expectations of eligible members and other policyholders of policies that provide for the distribution of policy dividends.*

10. *A form of the proposed notice to be mailed by the converting mutual to its policyholders as required by section 186 of this act.*

11. *A 5-year business plan and at least 2 years of financial projections for the new stock insurer and a parent company, if any.*

12. *A list of natural persons who are or have been selected to become directors or officers of the new stock insurer and the following information concerning each person on the list, unless the information is already on file with the commissioner:*

(a) Occupation;

(b) Criminal convictions, other than traffic violations, during the immediately preceding 7 years;

(c) Personal bankruptcy of the person or the spouse of the person during the immediately preceding 7 years;

(d) Information regarding any consent decree entered into by the person; and

(e) Whether the person has been refused a fidelity or other bond during the immediately preceding 7 years.

13. *Any plans that the new stock insurer or its parent company, if any, may have to:*

(a) Raise additional capital through the issuance of stock or otherwise;

(b) Sell or issue stock to any person;

(c) Liquidate or dissolve any company or sell any material assets;

(d) Merge, consolidate or pursue any other form of reorganization with any person; or

(e) Make any material change in its investment policy, business, corporate structure or management.

14. *Copies of proposed articles of incorporation and any proposed bylaws of the new stock insurer.*

15. *Such additional information as the commissioner may by regulation prescribe as necessary or appropriate for the protection of policyholders and security holders of the converting mutual, or for the protection of the public interest.*

Sec. 184. *The commissioner shall conduct a public hearing not later than 120 days after the date on which the application is filed unless, for good cause, he extends this time. Any interested person may appear or otherwise be heard at the public hearing. The commissioner may continue the hearing for a reasonable period, not to exceed 60 days. The converting mutual shall give such reasonable notice of the hearing as the commissioner requires. The*

hearing must be conducted pursuant to NRS 679B.320 to 679B.370, inclusive.

Sec. 185. 1. The commissioner shall issue an order making an initial determination of approval or disapproval of the application not later than 30 days after the public hearing.

2. The commissioner shall not approve the application unless he finds that the:

- (a) Plan of conversion is fair and equitable to the policyholders;
- (b) Plan of conversion does not deprive the policyholders of their property rights or due process of law;
- (c) New stock insurer meets the minimum requirements for a certificate of authority to transact the business of insurance in this state; and
- (d) Continued operation of the new stock insurer is not hazardous to future policyholders and the public.

3. For the purposes of this section, the commissioner may consider any relevant factor, including, without limitation:

- (a) The capital requirements of the new stock insurer;
- (b) Whether a sufficient portion of the surplus of the converting mutual was contributed by persons or entities whose policies or contracts were not in force on the date on which the plan of conversion was initially approved by the board of directors of the converting mutual to require the reduction of the consideration to policyholders to an amount equal to less than the surplus;
- (c) Whether the plan of conversion includes preemptive rights for policyholders to purchase securities offered in the initial sale of securities by the new stock insurer;
- (d) Whether the plan of conversion includes establishment of a preference account from which the payment of any shareholder dividends, including a regular, special or liquidation dividend, would be prohibited for such a reasonable period as the commissioner may require;
- (e) The suitability of the trustees of any trust created to effect the conversion; and
- (f) Whether the utilization of a trust, if included in the plan of conversion, has a material adverse effect on policyholders, other than delaying the receipt of shares of capital stock.

4. If the commissioner makes a determination to disapprove the application, the commissioner shall issue a final order setting forth specific findings for the disapproval.

Sec. 186. 1. Unless the commissioner for good cause establishes a different time, the converting mutual shall, not less than 45 days after the date of the initial determination of approval by the commissioner, hold a meeting of its policyholders at a reasonable time and place to vote upon the plan of conversion.

2. The converting mutual shall give notice not less than 30 days before the meeting, by first-class mail to the last known address of each

policyholder, that the plan of conversion will be voted upon at a regular or special meeting of the policyholders. The notice must include, without limitation, a:

- (a) Brief description of the plan of conversion;*
- (b) Statement that the commissioner has initially approved the plan of conversion; and*
- (c) Written proxy permitting the policyholder to vote for or against the plan of conversion.*

3. The commissioner shall supervise and direct the conducting of the vote on the plan of conversion as necessary to ensure that the vote is fair and consistent with the requirements of this section. Each policyholder is entitled to only one vote regardless of the number of policies owned by the policyholder.

4. A plan of conversion is approved only if not less than two-thirds of the policyholders voting in person or by proxy at the meeting vote in favor of the plan of conversion.

5. For the purposes of notice and voting, the policyholder of a policy of group insurance is the entity to which the group policy is issued and not any person covered under the group policy.

Sec. 187. A converting mutual may, by not less than a two-thirds vote of the members of its board of directors and with the approval of the commissioner, abandon the plan of conversion at any time before the issuance of the certificate of authority by the commissioner pursuant to section 188 of this act. Upon abandonment, all rights and obligations arising out of the plan of conversion terminate and the converting mutual shall continue to conduct its business as a domestic mutual insurer or a mutual insurance holding company as though no plan of conversion had ever been adopted.

Sec. 188. 1. The commissioner shall:

(a) Enter a final order approving the application to convert to a stock insurer within 10 days after receiving a valid certification from the converting mutual setting forth the vote and certifying that the plan of conversion was approved by not less than two-thirds of the policyholders voting in person or by proxy on the plan of conversion; and

(b) Publish notification of the issuance of the final order in a newspaper of general circulation in Carson City and in the county of domicile of the converting mutual if different from Carson City.

2. Except as otherwise provided in section 187 of this act, the commissioner shall issue a certificate of authority to the new stock insurer when the converting mutual files a certificate with the commissioner stating that all the conditions set forth in the plan of conversion have been satisfied.

3. The conversion is effective upon the issuance of the certificate of authority by the commissioner.

4. Upon issuance of the certificate of authority, the articles of incorporation of the insurer shall be deemed to be amended in compliance with NRS 692B.030.

Sec. 189. Any person aggrieved by a final order of the commissioner issued pursuant to sections 174 to 202, inclusive, of this act may petition for judicial review in the manner provided by chapter 233B of NRS.

Sec. 190. In determining whether a plan of conversion meets the requirements of sections 174 to 202, inclusive, of this act, or with regard to any other matters relating to the development of a plan of conversion, the commissioner may engage the services of experts. All reasonable costs related to the review of a plan of conversion or such other matters, including those costs attributable to the use of experts, must be paid by the converting mutual filing the application or initiating discussions with the commissioner about such matters.

Sec. 191. 1. Except as otherwise provided in subsection 2, all information and documents obtained by or disclosed to the commissioner or any other person in the course of preparing, filing and processing an application of a converting mutual, other than information and documents distributed to policyholders in connection with the meeting of policyholders pursuant to section 186 of this act or filed or submitted as evidence in connection with the public hearing pursuant to section 184 of this act, are confidential and not subject to subpoena, and must not be made public by the commissioner, the National Association of Insurance Commissioners or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which such information and documents pertain.

2. If the commissioner, after giving the insurer and its affiliates who would be affected notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be best served by the publication of such information and documents, the commissioner may publish all or any part thereof in such a manner as he determines appropriate.

Sec. 192. Whenever it appears to the commissioner that any person or any director, officer, employee or agent of the person has committed or is about to commit a violation of any provision of sections 174 to 202, inclusive, of this act or of any regulation or order of the commissioner relating thereto, the commissioner may apply to the First Judicial District Court in and for Carson City for an order enjoining the person, director, officer, employee or agent from violating or continuing to violate any provision of sections 174 to 202, inclusive, of this act or any such regulation or order, and for such other equitable relief as the nature of the case and the interest of the policyholders, creditors and shareholders of the insurer, or the public, may require.

Sec. 193. The corporate existence of a converting mutual pursuant to sections 174 to 202, inclusive, of this act does not terminate, and the new

stock insurer shall be deemed to be a continuation of the converting mutual and to have been organized on the date the converting mutual was originally organized.

Sec. 194. The provisions of sections 174 to 202, inclusive, of this act do not prohibit the inclusion in the plan of conversion of provisions under which members of the board of directors, officers, employees or agents of the new stock insurer, and persons acting as trustees of employee stock ownership plans or other employee benefit plans may be entitled to purchase for cash capital stock of the new stock insurer at the same price initially issued by the new stock insurer under the plan of conversion, except that no such purchase may be made while any shares of capital stock are held in a trust established pursuant to the plan of conversion.

Sec. 195. 1. No director, officer, employee or agent of the converting mutual, or any other person, may receive any fee, commission or other valuable consideration, other than his usual regular salary and compensation, for aiding, promoting or assisting in a plan of conversion except as set forth in the plan of conversion approved by the commissioner.

2. Subsection 1 does not prohibit a management incentive compensation program that is contained in the plan of conversion and approved by the commissioner to be adopted upon conversion to the new stock insurer or prohibit such a program to be adopted later by the new stock insurer.

3. Subsection 1 does not prohibit the payment of reasonable fees and compensation to attorneys, accountants, actuaries and investment bankers for services performed in the independent practice of their professions if the person is also a member of the board of directors of the converting mutual.

Sec. 196. 1. Except as otherwise specifically provided in the plan of conversion, before and for a period of 5 years after the issuance of a certificate of authority to a new stock insurer pursuant to section 188 of this act, no person other than the new stock insurer may directly or indirectly offer to acquire or acquire in any manner the beneficial ownership of 5 percent or more of any class of a voting security of the new stock insurer or of any institution that owns a majority of the voting securities of the new stock insurer without the prior approval by the commissioner of an application for acquisition.

2. The commissioner shall not approve an application for acquisition filed pursuant to subsection 1 unless he finds that:

(a) The acquisition will not frustrate the plan of conversion as approved by the policyholders and the commissioner;

(b) The board of directors of the new stock insurer has approved the acquisition or extraordinary circumstances not contemplated in the plan of conversion have arisen which would warrant approval of the acquisition; and

(c) The acquisition is consistent with the purpose of sections 174 to 202, inclusive, of this act to permit conversions on terms and conditions that are fair and equitable to the policyholders.

3. *An application for acquisition filed pursuant to subsection 1 must describe in sufficient detail all information necessary for the approval of the application.*

4. *If any material change occurs in the facts set forth in an application for acquisition filed pursuant to subsection 1, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, must be filed with the commissioner.*

5. *The commissioner may hold a public hearing on an application for acquisition filed pursuant to subsection 1. If the commissioner decides to hold a public hearing, the hearing must be held not later than 30 days after the person seeking to acquire securities files an application for acquisition with the commissioner pursuant to subsection 1. The commissioner shall give at least 20 days' notice of the hearing to the person filing the application for acquisition. The person filing the application for acquisition shall give not less than 7 days' notice of the hearing to the new stock insurer and to such other persons as may be designated by the commissioner. In connection with the hearing, the person filing the application for acquisition, the new stock insurer, any other person to whom notice of the hearing was given, and any other person whose interest may be affected may conduct discovery proceedings in the same manner as is allowed in the district court. All discovery proceedings must be concluded not later than 3 days before the commencement of the hearing. At the hearing the person filing the application for acquisition, the new stock insurer, any other person to whom notice of the hearing was given, and any other person whose interest may be affected may present evidence, examine and cross-examine witnesses, and offer oral and written arguments. If any acquisition referred to in the application for acquisition is proposed by means of a registration statement under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a et seq., or under a state law requiring similar registration or disclosure, the person required to file the statement may utilize such documents in furnishing the information required by the application for acquisition. The person filing the application shall serve the new stock insurer and any institution that owns a majority of the voting securities of the new stock insurer with a copy of the application for acquisition and any amendments thereto on the day the documents are filed with the commissioner.*

6. *The new stock insurer and any institution that owns a majority of the voting securities of the new stock insurer must be permitted to become parties to the hearing upon request.*

7. *The commissioner shall make a determination not later than 30 days after the conclusion of the hearing or, if no hearing is held, not later than 30 days after the date on which the application for acquisition is filed with the commissioner pursuant to subsection 1. Approval or disapproval of an application for acquisition must be by written order. Any person who is*

aggrieved by the order may petition for judicial review in the manner provided by chapter 233B of NRS.

8. The commissioner may retain, at the expense of the person filing an application for acquisition pursuant to subsection 1, any attorneys, actuaries, accountants and other experts who are not employees of the division as may be reasonably necessary to assist the commissioner in reviewing the application.

Sec. 197. 1. No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired, in contravention of section 196 of this act or of any regulation or order of the commissioner may be voted at any shareholders' meeting or may be counted for quorum purposes, and any action of the shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities were not issued and outstanding, but no action taken at any such meeting may be invalidated by the voting of such securities unless:

(a) The action would materially affect control of the new stock insurer or an institution that owns a majority of the voting securities of the new stock insurer; or

(b) A court of competent jurisdiction has so ordered.

2. If a new stock insurer or the commissioner has reason to believe that any security of the new stock insurer or an institution that owns a majority of the voting securities of the new stock insurer has been or is about to be acquired in contravention of sections 174 to 202, inclusive, of this act or of any regulation or order of the commissioner, the new stock insurer or the commissioner may apply to the First Judicial District Court in and for Carson City for an order to enjoin any offer or acquisition made in contravention of section 196 of this act or any regulation or order of the commissioner to enjoin the voting of any security so acquired, to void any vote of such a security already cast at any shareholders' meeting, and for such other equitable relief as the nature of the case and the interest of the policyholders, creditors and shareholders of the new stock insurer, or the public, may require.

Sec. 198. In any case where a person has acquired or is proposing to acquire any voting securities in violation of sections 174 to 202, inclusive, of this act or any regulation or order of the commissioner, the First Judicial District Court in and for Carson City may, upon the application of the commissioner or the new stock insurer, and on such notice as the court determines appropriate, seize or sequester any voting securities of the new stock insurer or an institution that owns a majority of the voting securities of the new stock insurer owned directly or indirectly by such a person and issue any order with respect thereto as the court determines appropriate to effectuate the provisions of sections 174 to 202, inclusive, of this act. Notwithstanding any other provision of law, for the purposes of sections 174 to 202, inclusive, of this act, the situs of the ownership of such securities shall be deemed to be in this state.

Sec. 199. *A person who offers to acquire or acquires a security in violation of subsection 1 of section 196 of this act may be required by the commissioner, after notice and hearing, to pay an administrative penalty of \$100 for each day that the person remains in violation, except that the aggregate penalty pursuant to this section may not exceed \$10,000.*

Sec. 200. *Any director or officer of a person, or an agent of the person, who knowingly violates or assents to or permits any officer or agent of the person to violate the requirements of section 196 of this act may be required by the commissioner, after notice and hearing, to pay, in his individual capacity, an administrative penalty of not more than \$5,000 per violation. In determining the amount of the penalty, the commissioner shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and such other matters as the commissioner determines are required in the interest of justice.*

Sec. 201. 1. *If the commissioner has reason to believe that any person or any director, officer, employee or agent of the person is engaged in any conduct in violation of section 196 of this act, the commissioner may order the person to cease and desist immediately from engaging in any further such conduct. The order is permanent unless the person, not later than 20 days after receipt of the order, files a written request for a hearing with the commissioner.*

2. *If, after a hearing pursuant to subsection 1, the commissioner determines that such action is in the best interest of the policyholders, the creditors or the public, the commissioner may also order the person to void any contract entered into in violation of section 196 of this act.*

3. *An order of the commissioner pursuant to this section is a final decision in a contested case for the purpose of judicial review pursuant to chapter 233B of NRS.*

Sec. 202. *The commissioner may adopt such regulations and issue such orders as he determines are necessary to carry out the provisions of sections 174 to 202, inclusive, of this act.*

Sec. 203. *As used in sections 203 to 226, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 204 to 207, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 204. *“Intermediate stock holding company” means a holding company of which at least a majority of the voting securities are owned by a mutual insurance holding company and which directly owns all the voting securities of a reorganized stock insurer.*

Sec. 205. *“Mutual insurance holding company” means a holding company based on a mutual plan which at all times owns a majority of the voting securities of a single intermediate stock holding company or, if no such intermediate stock holding company exists, which owns a majority of the voting securities of a reorganized stock insurer.*

Sec. 206. *“Reorganized stock insurer” means a stock insurer subsidiary that results from a reorganization of a domestic mutual insurer pursuant to sections 203 to 226, inclusive, of this act.*

Sec. 207. *“Voting securities” means securities of any class or any ownership interest having voting power for the election of directors, trustees or management, other than securities having voting power only because of the occurrence of a contingency.*

Sec. 208. *A domestic mutual insurer may, by complying with sections 203 to 226, inclusive, of this act and obtaining the approval of the commissioner, reorganize by:*

1. Merging the membership interests of its policyholders into:

(a) A mutual insurance holding company formed for the purpose of the reorganization; or

(b) An existing mutual insurance holding company; and

2. Continuing the corporate existence of the mutual insurer as a stock insurer subsidiary of the mutual insurance holding company.

Sec. 209. *A domestic mutual insurer shall file with the commissioner for review and approval a proposed plan of reorganization that has been approved by a vote of not less than two-thirds of the members of the board of directors of the domestic mutual insurer. The proposed plan of reorganization must be accompanied by a nonrefundable fee of \$2,450. The plan of reorganization must include:*

1. An analysis of the benefits and risks of the proposed reorganization, including, without limitation, the rationale and comparative benefits and risks of converting to a domestic stock insurer pursuant to sections 174 to 202, inclusive of this act;

2. A statement of how the plan is fair and equitable to the policyholders;

3. Information sufficient to demonstrate that the financial condition of the mutual insurer will not be diminished upon reorganization;

4. Provisions to ensure immediate membership in the mutual insurance holding company for all existing policyholders of the mutual insurer;

5. Provisions for membership interests for future policyholders of the reorganized stock insurer;

6. Provisions to ensure that, in the event of proceedings for rehabilitation or liquidation involving a stock insurer subsidiary of the mutual insurance holding company, the assets of the mutual insurance holding company will be available to satisfy the obligations of the stock insurer subsidiary to policyholders;

7. Provisions for the periodic distribution of the accumulated earnings of the mutual insurance holding company;

8. Certified copies of the proposed articles of incorporation and bylaws of the mutual insurance holding company, intermediate stock holding company and reorganized stock insurer, or proposed amendments thereto as necessary to carry out the reorganization;

9. *A certification that the plan of reorganization has been duly adopted by a vote of not less than two-thirds of the members of the board of directors of the mutual insurer;*

10. *A certification adopted by not less than two-thirds of the members of the board of directors of the mutual insurer that the plan of reorganization is fair and equitable to the policyholders;*

11. *The names, addresses and occupations of all persons who are or have been selected to become directors or officers of the mutual insurance holding company;*

12. *A description of the nature and content of the annual report and financial statement to be sent by the mutual insurance holding company to each policyholder;*

13. *The number of members of the board of directors of the mutual insurance holding company who are required to be policyholders;*

14. *A description of any plans for the initial sale of stock of the intermediate stock holding company or reorganized stock insurer;*

15. *A form of the proposed notice to be mailed by the mutual insurer to its policyholders as required by section 212 of this act; and*

16. *Such additional information as the commissioner may by regulation prescribe as necessary or appropriate for the protection of policyholders and security holders of the domestic mutual insurer or for the protection of the public interest.*

Sec. 210. *Unless the commissioner, for good cause, extends the time, the commissioner shall conduct a public hearing regarding a proposed plan of reorganization not later than 120 days after the date on which the completed proposed plan of reorganization is filed pursuant to section 209 of this act. Any interested person may appear or otherwise be heard at the public hearing. The commissioner may continue the public hearing for a reasonable period, not to exceed 60 days. The mutual insurer shall give such reasonable notice of the public hearing as the commissioner requires.*

Sec. 211. 1. *The commissioner shall issue an order approving or disapproving a proposed plan of reorganization not later than 30 days after the public hearing required by section 210 of this act.*

2. *The commissioner shall not approve a proposed plan of reorganization unless he finds that the:*

(a) *Plan of reorganization is fair and equitable to the policyholders;*

(b) *Plan of reorganization does not deprive the policyholders of their property rights or due process of law;*

(c) *Reorganized stock insurer meets the minimum requirements for a certificate of authority to transact the business of insurance in this state; and*

(d) *Continued operation of the reorganized stock insurer is not hazardous to future policyholders and the public.*

3. *If the commissioner approves a plan of reorganization, the commissioner shall publish notification of the issuance of the order in a*

newspaper of general circulation in Carson City and in the county of domicile of the mutual insurer if different from Carson City.

4. If the commissioner approves a plan of reorganization, the approval expires if the reorganization is not completed within 180 days after the date of approval, unless the period is extended by the commissioner for good cause.

5. If the commissioner disapproves a plan of reorganization, the commissioner shall issue an order setting forth specific findings for the disapproval.

Sec. 212. 1. Within 45 days after the date of the commissioner's approval of a plan of reorganization pursuant to section 211 of this act, unless extended by the commissioner for good cause, the mutual insurer shall hold a meeting of its policyholders at a reasonable time and place to vote upon the plan of reorganization. The mutual insurer shall give notice not less than 30 days before the meeting, by first-class mail to the last known address of each policyholder, that the plan of reorganization will be voted upon at a regular or special meeting of the policyholders. The notice must include a brief description of the plan of reorganization, a statement that the commissioner has approved the plan of reorganization, and a written proxy permitting the policyholder to vote for or against the plan of reorganization. For the purposes of notice and voting, the policyholder of a policy of group insurance is the entity to which the group policy is issued and not any person covered under the group policy. A plan of reorganization is approved only if not less than two-thirds of the policyholders voting in person or by proxy at the meeting vote in favor of the plan of reorganization. Each policyholder is entitled to only one vote regardless of the number of policies owned by the policyholder. The commissioner shall supervise and direct the conducting of the vote on the plan of reorganization as necessary to ensure that the vote is fair and consistent with the requirements of this section.

2. If a mutual insurer complies substantially and in good faith with the notice requirements of this section, the mutual insurer's failure to give any policyholder the required notice does not impair the validity of any action taken pursuant to this section.

3. If the meeting of policyholders to vote upon the plan of reorganization is held coincident with the mutual insurer's annual meeting of policyholders, only one combined notice of meeting is required.

4. The form of any proxy must be filed with and approved by the commissioner.

5. For the purposes of notice and voting, a person is not a policyholder unless he was a policyholder of the mutual insurer on the date on which the plan of reorganization was initially approved by the board of directors of the mutual insurer.

Sec. 213. A mutual insurer may, by not less than a two-thirds vote of the members of its board of directors and with the approval of the commissioner,

abandon a plan of reorganization at any time before the issuance of the certificate of authority by the commissioner pursuant to section 214 of this act. Upon abandonment, all rights and obligations arising out of the plan of reorganization terminate and the mutual insurer shall continue to conduct its business as a domestic mutual insurer as though no plan of reorganization had ever been adopted.

Sec. 214. 1. The commissioner shall issue a certificate of authority to a reorganized stock insurer when the mutual insurer files with the commissioner a:

(a) Certificate stating that all the conditions set forth in the plan of reorganization have been satisfied, so long as the board of directors of the mutual insurer has not abandoned the plan of reorganization pursuant to section 213 this act.

(b) Certificate from the mutual insurer setting forth the vote and certifying that the plan of reorganization was approved by not less than two-thirds of the policyholders voting in person or by proxy on the plan of reorganization.

2. The reorganization is effective upon the issuance of a certificate of authority by the commissioner.

3. Upon issuance of the certificate of authority, the articles of incorporation of the mutual insurer shall be deemed to be amended in compliance with NRS 692B.030.

Sec. 215. Any person aggrieved by a final order of the commissioner issued pursuant to the provisions of sections 203 to 226, inclusive, of this act may petition for judicial review in the manner provided by chapter 233B of NRS.

Sec. 216. In determining whether a plan of reorganization meets the requirements of the provisions of sections 203 to 226, inclusive, of this act, or with regard to any other matters relating to the development of a plan of reorganization, the commissioner may engage the services of experts. All reasonable costs related to the review of a plan of reorganization or such other matters, including those costs attributable to the use of experts, must be paid by the mutual insurer filing the application or initiating discussions with the commissioner about such matters.

Sec. 217. 1. Except as otherwise provided in subsection 2, all information and documents obtained by or disclosed to the commissioner or any other person in the course of preparing, filing and processing an application to reorganize pursuant to section 209 of this act, other than information and documents distributed to policyholders in connection with the meeting of policyholders pursuant to section 212 of this act or filed or submitted as evidence in connection with the public hearing pursuant to section 210 of this act, are confidential and not subject to subpoena, and must not be made public by the commissioner, the National Association of Insurance Commissioners or any other person, except to insurance

departments of other states, without the prior written consent of the insurer to which such information and documents pertain.

2. If the commissioner, after giving the insurer and its affiliates who would be affected notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be best served by the publication of such information and documents, the commissioner may publish all or any part thereof in such a manner as he determines appropriate.

Sec. 218. The corporate existence of a mutual insurer reorganizing pursuant to sections 203 to 226, inclusive, of this act does not terminate, and the reorganized stock insurer shall be deemed to be a continuation of the mutual insurer and to have been organized on the date on which the mutual insurer was originally organized.

Sec. 219. 1. All the initial shares of the capital stock of a reorganized stock insurer must be issued to the mutual insurance holding company or to a single intermediate stock holding company.

2. Policyholders of a domestic mutual insurer that has been reorganized are members of the mutual insurance holding company and their voting rights must be determined in accordance with the articles of incorporation and bylaws of the mutual insurance holding company. The mutual insurance holding company shall provide its members with the same membership rights as were provided to policyholders of the mutual insurer immediately before reorganization. The reorganization must not reduce, limit or otherwise affect the number or identity of the policyholders who may become members of the mutual insurance holding company or secure for managerial personnel any unfair advantage through or connected with the reorganization.

3. A mutual insurance holding company or an intermediate stock holding company formed pursuant to sections 203 to 226, inclusive, of this act:

- (a) Must not be authorized to transact the business of insurance;*
- (b) Is subject to the jurisdiction of the commissioner, who shall ensure that policyholder interests are protected; and*
- (c) Shall be deemed to be an insurer for the purposes of chapter 696B of NRS.*

4. An intermediate stock holding company formed pursuant to sections 203 to 226, inclusive, of this act shall be deemed to be a mutual insurance holding company subject to the provisions of sections 174 to 202, inclusive, of this act.

5. A mutual insurance holding company formed pursuant to sections 203 to 226, inclusive, of this act:

- (a) Shall not issue stock.*
- (b) Shall invest in insurers not less than 50 percent of its net worth as determined by generally accepted accounting practices.*

6. The aggregate pledges and encumbrances of the assets of a mutual insurance holding company must not affect more than 49 percent of the

mutual insurance holding company's stock in an intermediate stock holding company or a reorganized stock insurer.

7. *If any proceeding under chapter 696B of NRS is brought against a reorganized stock insurer, the mutual insurance holding company and intermediate stock holding company must be named parties to the proceeding. All the assets of the mutual insurance holding company and the intermediate stock holding company shall be deemed assets of the estate of the reorganized stock insurer to the extent necessary to satisfy claims against the reorganized stock insurer.*

8. *No distribution to members of a mutual insurance holding company may occur without the prior written approval of the commissioner. The commissioner may give such approval only if he is satisfied that the distribution is fair and equitable to policyholders as members of the mutual insurance holding company.*

9. *No solicitation for the sale of the stock of an intermediate stock holding company or a reorganized stock insurer may be made without the prior written approval of the commissioner.*

10. *A mutual insurance holding company or an intermediate stock holding company may not voluntarily dissolve without the approval of the commissioner.*

Sec. 220. *Nothing contained in sections 203 to 226, inclusive, of this act prohibits a mutual insurance holding company from converting to a domestic stock insurance company pursuant to sections 174 to 202, inclusive, of this act.*

Sec. 221. *A membership interest in a mutual insurance holding company does not constitute a security under the laws of this state.*

Sec. 222. 1. *No director, officer, employee or agent of the mutual insurer, or any other person, may receive any fee, commission or other valuable consideration, other than his usual regular salary and compensation, for aiding, promoting or assisting in a plan of reorganization except as set forth in the plan of reorganization approved by the commissioner.*

2. *Subsection 1 does not prohibit a management incentive compensation program that is contained in the plan of reorganization and approved by the commissioner to be adopted upon reorganization to the reorganized stock insurer or prohibit such a program to be adopted later by the reorganized stock insurer.*

3. *Subsection 1 does not prohibit the payment of reasonable fees and compensation to attorneys, accountants, actuaries and investment bankers for services performed in the independent practice of their professions if the person is also a member of the board of directors of the mutual insurer.*

Sec. 223. 1. *A mutual insurance holding company shall file with the commissioner, by March 1 of each year, an annual statement consisting of an income statement, balance sheet and cash flows prepared in accordance with generally accepted accounting practices and a confidential statement*

disclosing any intention to pledge, borrow against, alienate, hypothecate or in any way encumber the assets of the mutual insurance holding company.

2. A mutual insurance holding company shall, on or before June 1 of each year, file with the commissioner in a form approved by the commissioner a financial statement as of December 31 of the preceding calendar year that is certified by a certified public accountant.

Sec. 224. The commissioner may order the production of any records, books or other information and papers in the possession of a mutual insurance holding company or its affiliates as is reasonably necessary to ascertain the financial condition of the reorganized stock insurer or to determine compliance with this Title.

Sec. 225. Whenever it appears to the commissioner that any person or any director, officer, employee or agent of the person has committed or is about to commit a violation of any provision of sections 203 to 226, inclusive, of this act or of any regulation or order of the commissioner relating thereto, the commissioner may apply to the First Judicial District Court in and for Carson City for an order enjoining the person, director, officer, employee or agent from violating or continuing to violate any provision of sections 203 to 226, inclusive, of this act or any such regulation or order, and for such other equitable relief as the nature of the case and the interest of the policyholders, creditors and shareholders of the insurer, or the public, may require.

Sec. 226. The commissioner may adopt such regulations and issue such orders as he determines are necessary to carry out the provisions of sections 203 to 226, inclusive, of this act.”.

Amend the bill as a whole by deleting sec. 176 and renumbering sections 177 through 193 as sections 229 through 245.

Amend sec. 191, page 83, line 16, by deleting “692C.420” and inserting “693A.360”.

Amend sec. 193, page 83, by deleting lines 19 through 21 and inserting:

“Sec. 245. 1. This section and section 242 of this act become effective upon passage and approval.

2. Sections 1 to 241, inclusive, 243 and 244 of this act become”.

Amend the leadlines of repealed sections by deleting the leadline of NRS 692C.420.

Amend the leadlines of repealed sections by adding the leadline of NRS 693A.360.

Amend the title of the bill to read as follows:

“AN ACT relating to insurance; providing for the regulation of the business of viatical settlements; requiring the commissioner of insurance to adopt regulations governing the use of electronic records and signatures; temporarily authorizing the adoption of regulations to enforce federal law concerning a bill of rights for patients; limiting the disclosure of certain information concerning consumers; providing for the conversion of domestic mutual insurers into domestic stock insurers; providing for the reorganization

of domestic mutual insurers into mutual insurance holding companies; making various other changes concerning the regulation of insurance; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Assemblyman Dini moved that upon return from the printer Assembly Bill No. 618 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 537 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 554 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 657 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 550:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 447.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 447:

YEAS—38.

NAYS—None.

NOT VOTING—Arberry, Brower, Marvel—3.

EXCUSED—Freeman.

Assembly Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read second time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 630.

Amend sec. 2, page 2, by deleting lines 6 and 7.

Amend sec. 2, page 2, line 8, by deleting "9." and inserting "8."

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 8 as sections 4 through 7.

Amend the title of the bill to read as follows:

"AN ACT relating to local governments; authorizing the construction and maintenance of benches and shelters for passengers of public mass transportation on an exclusive basis by the governing body or by franchise within an unincorporated town; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes construction and maintenance of benches and shelters for passengers of public mass transportation on exclusive basis by governing body or by franchise within unincorporated towns. (BDR 21-829)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 657.

Bill read third time.

Remarks by Assemblymen Goldwater and Collins.

Roll call on Assembly Bill No. 657:

YEAS—24.

NAYS—Angle, Bache, Buckley, Collins, de Braga, Gibbons, Giunchigliani, Gustavson, Leslie, Mortenson, Ohrenschall, Parks, Parnell, Perkins, Smith—15.

NOT VOTING—Brower, Williams—2.

EXCUSED—Freeman.

Assembly Bill No. 657 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:04 p.m.

ASSEMBLY IN SESSION

At 6:40 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Anderson moved that Assembly Bill No. 578 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 483 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Chowning moved that all rules be suspended and that Assembly Bill No. 245 be declared an emergency measure under the Constitution and placed on third reading final passage.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill Nos. 324 and 479 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 324.

Bill read second time.

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

Amendment No. 519.

Amend section 1, page 1, line 2, by deleting "14," and inserting "14.5,".

Amend the bill as a whole by deleting sections 2 and 3 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. *"Accredited investor" means an investor:*

1. *Who, on the date of an act or transaction, meets the criteria to be an accredited investor pursuant to the provisions of Regulation D of the Securities and Exchange Commission, 17 C.F.R. §§ 230.501 to 230.508, inclusive; or*

2. *Whom, on the date of an act or transaction, a mortgage broker or mortgage agent reasonably believes meets the criteria to be an accredited investor pursuant to the provisions of Regulation D of the Securities and Exchange Commission, 17 C.F.R. §§ 230.501 to 230.508, inclusive.*

Sec. 3. *“Executive director” means the executive director of the commission.”.*

Amend sec. 10, page 3, by deleting lines 46 and 47 and inserting:

“2. Any other authority conferred on the commission by this chapter and any other specific statute relating to the”.

Amend sec. 11, page 4, line 1, by deleting “commission” and inserting: *“director of the department of business and industry”.*

Amend sec. 11, page 4, line 6, by deleting “commission.” and inserting: *“director of the department of business and industry.”.*

Amend sec. 11, page 4, line 18, by deleting “commission;” and inserting: *“director of the department of business and industry;”.*

Amend sec. 11, page 4, by deleting lines 25 through 30 and inserting:

“(e) Shall perform the duties set forth in this chapter and the duties delegated to the executive director by the commission pursuant to section 10 of this act; and

(f) Shall perform any lawful act that the executive director considers necessary or desirable to carry out the purposes and provisions of this chapter and any other specific statute relating to the”.

Amend the bill as a whole by adding a new section designated sec. 14.5, following sec. 14, to read as follows:

“Sec. 14.5. The commission shall adopt regulations that set forth the procedures that a mortgage broker or mortgage agent must follow to determine whether an investor is an accredited investor.”.

Amend sec. 27, page 10, by deleting lines 3 through 5 and inserting: *“the provisions of this chapter.”.*

Amend sec. 27, page 10, between lines 10 and 11, by inserting:

“3. If a licensee does not hold a license as a mortgage company pursuant to chapter 645E of NRS, the licensee is subject to supervision, regulation and discipline by the commission for all activities that the licensee engages in pursuant to this chapter and chapter 645E of NRS.

4. If a licensee holds a license as a mortgage company pursuant to chapter 645E of NRS, the licensee is subject to supervision, regulation and discipline by:

(a) The commission for all activities that the licensee engages in pursuant to this chapter and chapter 645E of NRS in his capacity as a mortgage broker; and

(b) The commissioner of financial institutions for all activities that the licensee engages in pursuant to chapter 645E of NRS in his capacity as a mortgage company.”.

Amend sec. 31, page 13, line 17, by deleting: “*brokers and mortgage companies,*” and inserting “*brokers,*”.

Amend sec. 31, page 13, by deleting line 20 and inserting: “*set forth in this section.*”.

Amend sec. 39, page 20, between lines 43 and 44, by inserting:

“10. The provisions of this section do not apply to any act or transaction with or on behalf of an accredited investor, except that, if requested by an accredited investor or ordered by the commission, a mortgage broker or mortgage agent shall give an accredited investor any information or form that is given to other investors pursuant to this section.”.

Amend sec. 43, page 23, line 26, by deleting “*subsection 4,*” and inserting “*this section,*”.

Amend sec. 43, page 23, by deleting lines 39 through 41 and inserting:

“5. The provisions of this section do not ~~limit~~ :

(a) Apply to any act or transaction with or on behalf of an accredited investor pursuant to a power of attorney.

(b) Limit the right of an investor to include provisions in a power of attorney that are more restrictive than the provisions set forth in subsection 1.”.

Amend sec. 51, page 30, by deleting lines 23 through 25 and inserting:

“(c) Does not conduct his business in accordance with law , ~~for~~ has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the ~~commissioner,~~ commission or has violated any provision of chapter 645E of NRS while engaged in activities authorized by that chapter in his capacity as a mortgage broker;”.

Amend the bill as a whole by deleting sections 62 through 87 and inserting:

“Secs. 62-87. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section designated sec. 87.5, following sec. 87, to read as follows:

“Sec. 87.5. NRS 645E.230 is hereby amended to read as follows:

645E.230 1. A license entitles a licensee to engage only in the activities authorized by this chapter.

2. The provisions of this chapter do not prohibit a licensee from:

(a) Holding a license as a mortgage broker pursuant to chapter 645B of NRS; or

(b) Conducting the business of a mortgage company and the business of a mortgage broker in the same office or place of business.

3. If a licensee does not hold a license as a mortgage broker pursuant to chapter 645B of NRS, the licensee is subject to supervision, regulation and discipline by the commissioner for all activities that the licensee engages in pursuant to this chapter.

4. *If a licensee holds a license as a mortgage broker pursuant to chapter 645B of NRS, the licensee is subject to supervision, regulation and discipline by:*

(a) The commissioner for all activities that the licensee engages in pursuant to this chapter in his capacity as a mortgage company; and

(b) The mortgage industry commission for all activities that the licensee engages in pursuant this chapter and chapter 645B of NRS in his capacity as a mortgage broker.”.

Amend sec. 88, page 49, by deleting lines 22 and 23 and inserting: “certificate of amendment is approved by the commissioner ~~{who}~~ or commission that will supervise the business of the corporation.”.

Amend sec. 91, page 52, line 35, by deleting “chairman” and inserting “executive director”.

Amend sec. 93, page 54, by deleting lines 23 through 46 and inserting:

“Sec. 93. Section 139 of chapter 646, Statutes of Nevada 1999, at page 3816, as amended by section 139 of Senate Bill No. 29 of this session, is hereby amended to read as follows:

Sec. 139. 1. This section and section 130.5 of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and on September 30, 1999, for all other purposes.

2. Sections 1 to 101, inclusive, 103, 105 to 117, inclusive, 119 to 130, inclusive, and 131 to 138, inclusive, of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and on October 1, 1999, for all other purposes.

3. Sections 102, 104 and 118 of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and at 12:01 a.m. on October 1, 1999, for all other purposes.

4. Sections 15 and 33 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

~~[5. Section 78.5 of this act expires by limitation on October 1, 2001.]”.~~

Amend the title of the bill by deleting the fourth line and inserting: “brokers and mortgage agents from the commissioner of”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 479.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 465.

Amend section 1, page 2, by deleting lines 3 through 23 and inserting:

“5. As used in this section, “public office” means any office to which a public body appoints a person to serve other than the staff of the public body.”.

Assemblyman Bache moved the adoption of the amendment No. 465.

Remarks by Assemblyman Bache.

Amendment adopted.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 629.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. There is hereby appropriated from the state general fund to the office of the attorney general the sum of \$50,000 to provide statewide training to members of public bodies regarding the provisions of chapter 241 of NRS.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend the title of the bill, third line, after “body;” by inserting: “making an appropriation;”.

Assemblyman Bache moved the adoption of the amendment No. 629.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 483.

Bill read third time.

The following amendment was proposed by the Assemblymen Giunchigliani, Beers and Bache:

Amendment No. 596.

Amend section 1, page 1, by deleting line 3 and inserting:

“1. Each report of”.

Amend section 1, page 2, line 5, after “candidate” by inserting: *“and of disposals made by the candidate pursuant to NRS 294A.160”.*

Amend section 1, page 2, line 11, after “*candidate*” by inserting: “*and of disposals made by the candidate pursuant to NRS 294A.160*”.

Amend section 1, page 2, line 37, after “*incurred*” by inserting: “*and each amount disposed of pursuant to NRS 294A.160*”.

Amend section 1, page 3, line 7, by deleting “*received*” and inserting: “*received, each amount in excess of \$100 that is disposed of pursuant to NRS 294A.160 as the amount is disposed of*”.

Amend sec. 6, page 11, line 22, after “*incurs*” by inserting: “*and each amount in excess of \$100 that he disposes of pursuant to NRS 294A.160*”.

Amend sec. 6, page 11, by deleting lines 25 through 27 and inserting: “*apply to the candidate*”:

(a) *Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and*

(b) *Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.”.*

Amend sec. 11, page 20, by deleting lines 27 through 29 and inserting: “*subsection apply to the candidate*”:

(a) *Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and*

(b) *Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.”.*

Amend the bill as a whole by adding new sections designated sections 13 through 15 and the text of the repealed section, following sec. 12, to read as follows:

“Sec. 13. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.140, 294A.150, ~~294A.180,~~ 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360,

shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the secretary of state pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.140, 294A.150, ~~294A.180,~~ 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or

294A.420 must be printed on the forms. The candidate or entity shall acknowledge receipt of the material.

Sec. 14. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the secretary of state receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, ~~[294A.180,]~~ 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 has not filed a report pursuant to the applicable provisions of those sections, the secretary of state may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the first judicial district court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.170, ~~[294A.180,]~~ 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the secretary of state in the first judicial district court and deposited with the state treasurer for credit to the state general fund.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

4. For good cause shown, the secretary of state may waive a civil penalty that would otherwise be imposed pursuant to this section. If the secretary of state waives a civil penalty pursuant to this subsection, the secretary of state shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 15. NRS 294A.180 is hereby repealed.

294A.180 Candidate or elected public officer to file report relating to disposition of unspent contributions; procedure for reporting.

294A.180 1. Each candidate for a state, district, county, city or township office who is not elected to that office shall, not later than the 15th day of the second month after his defeat, file a report with the secretary of state stating the amount of contributions which he received for that campaign but did not spend and the disposition of those unspent contributions.

2. Each public officer who is elected to a state, district, county, city or township office shall file a report:

(a) Not later than the 15th day of the second month after his election, stating the amount of campaign contributions which he received but did not spend and the amount, if any, of those unspent contributions disposed of pursuant to subsection 2 of NRS 294A.160 as of the last day of the first month after his election;

(b) Not later than January 15th of each year of his term beginning the year after he filed the report required by paragraph (a), stating the amount, if any, of those unspent contributions disposed of pursuant to NRS 294A.160 during the period from the last date covered by his last report through December 31 of the immediately preceding year and the manner in which they were disposed of; and

(c) Not later than the 15th day of the second month after he no longer holds that office, stating the amount and disposition of any remaining unspent contributions.

3. The reports required by subsections 1 and 2 must be submitted on a form designed and provided by the secretary of state and signed by the candidate or public officer under penalty of perjury.

4. A public officer filing a report pursuant to subsection 2:

(a) Shall file the report with the officer with whom he filed his declaration of candidacy or acceptance of candidacy.

(b) May file the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. A county clerk who receives from a legislative or judicial officer, other than a justice of the peace or municipal judge, a report pursuant to subsection 4 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.”

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 578.

Bill read second time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 621.

Amend the bill as a whole by deleting sections 1 through 15 and adding new sections designated sections 1 through 25, following the enacting clause, to read as follows:

“Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *“Interactive gaming” means the conduct of gambling games through the use of communications technology that allows a person outside or within an establishment, utilizing money, checks, electronic checks,*

electronic transfers of money, credit cards, debit cards or any other instrumentality, to transmit to a computer within the establishment information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information.

2. As used in this section, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wire, cable, radio, microwave, light, optics or computer data networks, including, without limitation, the Internet and intranets.

Sec. 3. 1. Except as otherwise provided in subsections 2 and 3, the commission may, with the advice and assistance of the board, adopt regulations governing the licensing and operation of interactive gaming.

2. The commission may not adopt regulations governing the licensing and operation of interactive gaming until the commission first determines that:

(a) Interactive gaming can be operated in compliance with all applicable laws;

(b) Interactive gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from jurisdictions where it is lawful to make such communications; and

(c) Adoption of such regulations is consistent with the public policy of the state to foster the stability and success of gaming.

3. The regulations adopted by the commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming; and

(2) A license for a manufacturer of interactive gaming components.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming components to supply or provide any component part of an interactive gaming system, including, without limitation, any piece of proprietary software or hardware; and

(2) A manufacturer of interactive gaming components must be specifically licensed as a manufacturer of a gaming device for interactive gaming, manufacturer of equipment associated with a gaming device for interactive gaming or manufacturer of peripheral equipment related to a gaming device for interactive gaming.

(c) Set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming components that are as stringent as the standards for a nonrestricted license.

(d) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment.

(e) Define “interactive gaming system,” “manufacturer of a gaming device for interactive gaming,” “manufacturer of equipment associated with a gaming device for interactive gaming,” “manufacturer of interactive gaming components,” “manufacturer of peripheral equipment related to a gaming device for interactive gaming” and “operate interactive gaming” as the terms are used in this chapter.

4. The commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 400,000 or more, the establishment is a resort hotel.

(b) In a county whose population is more than 100,000 but less than 400,000, the establishment is a resort hotel or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 10 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the board on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 100 rooms for sleeping accommodations in connection therewith; or

(II) More than 135 gaming devices in connection therewith.

5. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the commission pursuant to this section.

6. A person who violates subsection 5 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of

not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than \$50,000, or both.

Sec. 4. A debt incurred by a patron for play at an interactive gaming system of an establishment licensed to operate interactive gaming is valid and may be enforced by legal process.

Sec. 5. 1. An application for a license for an establishment to operate interactive gaming or for a manufacturer of a gaming device for interactive gaming, manufacturer of equipment associated with a gaming device for interactive gaming or manufacturer of peripheral equipment related to a gaming device for interactive gaming:

(a) Must be accompanied by a nonrefundable application fee in the amount set forth in subsection 2 when the application is filed with the board.

(b) May be filed with the board, on a form approved by the board:

(1) Not later than 90 days after July 1, 2001; or

(2) Not earlier than 181 days after the commission issues the first license for an establishment to operate interactive gaming pursuant to this chapter.

2. The nonrefundable application fees for the licenses described in subsection 1 are:

(a) For a license for an establishment to operate interactive gaming, \$100,000.

(b) For a license for a manufacturer of a gaming device for interactive gaming, \$50,000.

(c) For a license for a manufacturer of equipment associated with a gaming device for interactive gaming, \$25,000.

(d) For a license for a manufacturer of peripheral equipment related to a gaming device for interactive gaming, \$10,000.

3. The board shall not accept an application for a license described in subsection 1 filed on any date other than a date described in paragraph (b) of subsection 1.

Sec. 6. 1. Before issuing a license for an establishment to operate interactive gaming, the commission shall charge and collect from the establishment a license fee of \$500,000.

2. Each license for an establishment to operate interactive gaming must be issued for a 2-year period beginning on January 1 of the first year and ending on December 31 of the second year.

3. Notwithstanding the provisions of subsections 1 and 2 to the contrary, a license for an establishment to operate interactive gaming may be issued after January 1 of a calendar year for a period beginning on the date of issuance of the license and ending on the second December 31 following the date of issuance of the license. Before issuing a license pursuant to this subsection, the commission shall charge and collect from the establishment a license fee of \$500,000 prorated by 1/24 for each full month between January 1 of the calendar year and the date of issuance of the license.

4. Before renewing a license issued pursuant to this section, but in no case later than the second December 31 after the license was issued or previously renewed, the commission shall charge and collect a renewal fee of \$250,000 for the renewal of the license for the immediately following 1-year period.

Sec. 7. The operation of interactive gaming is exempt from the fees and taxes imposed pursuant to NRS 463.375, 463.380, 463.383 and 463.385.

Sec. 8. 1. Before issuing a license for a manufacturer of a gaming device for interactive gaming, manufacturer of equipment associated with a gaming device for interactive gaming or manufacturer of peripheral equipment related to a gaming device for interactive gaming, the commission shall charge and collect a license fee of:

(a) Two hundred and fifty thousand dollars for a license for a manufacturer of a gaming device for interactive gaming;

(b) One hundred thousand dollars for a license for a manufacturer of equipment associated with a gaming device for interactive gaming; or

(c) Fifty thousand dollars for a license for a manufacturer of peripheral equipment related to a gaming device for interactive gaming.

2. Each license issued pursuant to this section must be issued for a 1-year period that begins on the date the license is issued.

3. Before renewing a license issued pursuant to this section, but in no case later than 1 year after the license was issued or previously renewed, the commission shall charge and collect a renewal fee for the renewal of the license for the immediately following 1-year period. The renewal fee for a license for a:

(a) Manufacturer of a gaming device for interactive gaming is an amount equal to the greater of:

(1) Fifty thousand dollars; or

(2) Fifty thousand dollars multiplied by the number of establishments licensed to operate interactive gaming that, on the date of renewal, have an agreement with the manufacturer of a gaming device for interactive gaming to share the revenue from an interactive gaming system.

(b) Manufacturer of equipment associated with a gaming device for interactive gaming is \$50,000.

(c) Manufacturer of peripheral equipment related to a gaming device for interactive gaming is \$25,000.

Sec. 9. 1. In addition to the fees set forth in section 8 of this act, a licensed manufacturer of a gaming device for interactive gaming shall pay a monthly license fee pursuant to this section for each agreement to share the revenue from an interactive gaming system into which the manufacturer of a gaming device for interactive gaming has entered with an establishment licensed to operate interactive gaming.

2. Each establishment licensed to operate interactive gaming with which the manufacturer of a gaming device for interactive gaming has an agreement to share the revenue from an interactive gaming system shall

transmit the license fee required by subsection 1 on behalf of the manufacturer of a gaming device for interactive gaming based upon the amount of revenue to which the manufacturer of a gaming device for interactive gaming is entitled pursuant to the agreement, which must be 6.25 percent of the revenue from the previous calendar month.

3. For the purposes of subsection 2, the amount of revenue to which the manufacturer of a gaming device for interactive gaming is entitled pursuant to an agreement to share the revenue from an interactive gaming system:

(a) Includes all revenue of the manufacturer of a gaming device for interactive gaming that is his share of the revenue from the interactive gaming system pursuant to the agreement; and

(b) Does not include revenue that is the fixed purchase price for the sale of a component of the interactive gaming system.

4. Each establishment licensed to operate interactive gaming described in subsection 2 shall:

(a) Withhold the amount necessary to pay the license fee from the share due the manufacturer of a gaming device for interactive gaming pursuant to the agreement; and

(b) Transmit the license fee on behalf of the manufacturer of a gaming device for interactive gaming on the same date and in the same manner as the establishment pays license fees pursuant to NRS 463.370.

5. Revenue upon which a license fee is paid pursuant to this section is not subject to the provisions of NRS 463.370.

Sec. 10. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.0197, inclusive, *and section 2 of this act*, have the meanings ascribed to them in those sections.

Sec. 11. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(c) Compensation received for conducting any game in which the licensee is not party to a wager, less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except that losses in a contest or tournament conducted in conjunction with an inter-casino linked system may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system;

(f) Uncollected baccarat commissions; ~~for~~

(g) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed ~~for~~; or

(h) *Revenue from an interactive gaming system to which a manufacturer of a gaming device for interactive gaming is entitled pursuant to an agreement to share revenue between the manufacturer of a gaming device for interactive gaming and the licensee.*

3. As used in this section, “baccarat commission” means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 12. NRS 463.0172 is hereby amended to read as follows:

463.0172 “Manufacturer” means a person who:

1. Manufactures, assembles, programs or makes modifications to a gaming device, ~~for~~ cashless wagering system ~~for~~ or interactive gaming system; or

2. Designs, assumes responsibility for the design of, controls the design or assembly of, or maintains a copyright over the design of, a mechanism, electronic circuit or computer program which cannot be reasonably demonstrated to have any application other than in a gaming device, ~~for in a~~ cashless wagering system ~~for~~ or interactive gaming system for use or play in this state or for distribution outside of this state.

Sec. 13. NRS 463.3557 is hereby amended to read as follows:

463.3557 ~~for~~

1. Except as otherwise provided in subsection 2, an electronic transfer of money from a financial institution directly to a game or gaming device may not be made with a credit card.

2. The provisions of subsection 1 do not apply to an interactive gaming system.

Sec. 14. NRS 463.361 is hereby amended to read as follows:

463.361 1. Except as otherwise provided in section 4 of this act and NRS 463.361 to 463.366, inclusive, gaming debts that are not evidenced by a credit instrument are void and unenforceable and do not give rise to any administrative or civil cause of action.

2. A claim by a patron of a licensee for payment of a gaming debt that is not evidenced by a credit instrument may be resolved in accordance with NRS 463.362 to 463.366, inclusive:

- (a) By the board; or
- (b) If the claim is for less than \$500, by a hearing examiner designated by the board.

Sec. 15. NRS 463.370 is hereby amended to read as follows:

463.370 1. Except as otherwise provided in NRS 463.373, the commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

(a) Three percent of all the gross revenue of the licensee which does not exceed \$50,000 per calendar month;

(b) Four percent of all the gross revenue of the licensee which exceeds \$50,000 per calendar month and does not exceed \$134,000 per calendar month; and

(c) Six and one-quarter percent of all the gross revenue of the licensee which exceeds \$134,000 per calendar month.

2. Unless the licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 24th day of the following month. Except for the fee based on the first full month of operation, the fee is an estimated payment of the license fee for the third month following the month whose gross revenue is used as its basis.

3. When a licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 24th day of the following calendar month of operation. After the first full calendar month of operation, the commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 24th day of the following calendar month. The payment of the fee due for the first full calendar month of operation must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount is an estimated payment of the license fees for the next 3 calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2. Any deposit held by the commission on July 1, 1969, must be treated as an advance estimated payment.

4. All revenue received from any game or gaming device which is operated on the premises of a licensee, regardless of whether any portion of the revenue is shared with any other person, must be attributed to the licensee for the purposes of this section and counted as part of the gross revenue of the licensee. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any game, gaming device or inter-casino linked system that is operated on the premises of a licensee is liable to the licensee for that

person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the 24th day of each calendar month. The proportionate share of an operator of an inter-casino linked system must be based on all compensation and other consideration received by the operator of the inter-casino linked system, including, without limitation, amounts that accrue to the meter of the primary progressive jackpot of the inter-casino linked system and amounts that fund the reserves of such a jackpot, subject to all appropriate adjustments for deductions, credits, offsets and exclusions that the licensee is entitled to take or receive pursuant to the provisions of this chapter. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any game, gaming device or inter-casino linked system that is operated on the premises of the licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

5. An operator of an inter-casino linked system shall not enter into any agreement or arrangement with a licensee that provides for the operator of the inter-casino linked system to be liable to the licensee for less than its full proportionate share of the license fees paid by the licensee pursuant to this section, whether accomplished through a rebate, refund, charge-back or otherwise.

6. Any person required to pay a fee pursuant to this section shall file with the commission, on or before the 24th day of each calendar month, a report showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:

(a) The fee due based on the revenue of the month covered by the report; and

(b) An adjustment for the difference between the estimated fee previously paid for the month covered by the report, if any, and the fee due for the actual gross revenue earned in that month. If the adjustment is less than zero, a credit must be applied to the estimated fee due with that report.

7. If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid, the commission shall:

(a) Charge and collect the additional license fees determined to be due, with interest thereon until paid; or

(b) Refund any overpayment to the person entitled thereto pursuant to this chapter, with interest thereon. Interest *pursuant to paragraph (a)* must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following ~~[either]~~ the due date of the additional license fees ~~[for the date of overpayment]~~ until paid. *Interest pursuant to paragraph (b) must be computed at one-half the rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.*

8. Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the estimated payment of fees has been made, as established in subsection 2.

9. Except as otherwise provided in NRS 463.386, the amount of the fee prescribed in subsection 1 must not be prorated.

10. Except as otherwise provided in NRS 463.386, if a licensee ceases operation, the commission shall:

(a) Charge and collect the additional license fees determined to be due with interest ~~[,]~~ *computed pursuant to paragraph (a) of subsection 7*; or

(b) Refund any overpayment ~~[, with interest thereon,]~~ to the licensee ~~[,]~~ *with interest computed pursuant to paragraph (b) of subsection 7*, based upon the gross revenue of the licensee during the last 3 months immediately preceding the cessation of operation, or portions of those last 3 months.

11. If in any month, the amount of gross revenue is less than zero, the licensee may offset the loss against gross revenue in succeeding months until the loss has been fully offset.

12. If in any month, the amount of the license fee due is less than zero, the licensee is entitled to receive a credit against any license fees due in succeeding months until the credit has been fully offset.

Sec. 16. NRS 463.387 is hereby amended to read as follows:

463.387 1. State gaming license fees or taxes paid in excess of the amount required to be reported and paid may be refunded, upon the approval of the commission, as other claims against the state are paid.

2. Within 90 days after the mailing of the notice of the commission's action upon a claim for refund filed pursuant to this chapter, the claimant may bring an action against the commission on the grounds set forth in the claim in any court of competent jurisdiction for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

3. Failure to bring an action within the time specified in subsection 2 constitutes a waiver of any demand against the state on account of alleged overpayments.

4. Within 20 days after the mailing of the notice of the commission's action upon a claim for refund filed pursuant to this chapter, the claimant may file a motion for rehearing with the commission. The commission must take action on the motion for rehearing within 50 days after it has been filed with the commission. If the motion for rehearing is granted, the commission's earlier action upon the claim for refund is rescinded and the 90-day period specified in subsection 2 does not begin until the commission mails notice of its action upon the claim following the rehearing.

5. If the commission fails to mail its notice of action on a claim within 6 months after the claim is filed or reheard, the claimant may consider the claim disallowed and bring an action against the commission on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

6. In any case where a refund is granted, interest must be allowed at *one-half* the rate prescribed in NRS 17.130 upon the amount found to have been erroneously paid from the first day of the first month following the date of overpayment until paid. The commission may in its discretion deny or limit the payment of interest if it finds that the claimant has failed to file a claim for a refund within 90 days after receiving written notification of overpayment from the board or has impeded the board's ability to process the claim in a timely manner.

7. Notwithstanding the provisions of NRS 353.115, any claim for refund of state gaming license fees or taxes paid in excess of the amount required to be reported and paid ~~to~~ must be filed with the commission within 5 years after the date of overpayment and not thereafter.

8. The provisions of this chapter must not be construed to permit the proration of state gaming taxes or license fees for purposes of a refund.

Sec. 17. NRS 463.400 is hereby amended to read as follows:

463.400 Any person who willfully fails to report, pay or truthfully account for and pay over the license fees imposed by NRS 463.370, 463.373 to 463.3855, inclusive, *and sections 6 to 9, inclusive, of this act*, 463.390 and 463.450, or willfully attempts in any manner to evade or defeat any such tax or payment thereof, or any licensee who puts additional games into play without authority of the commission to do so or any licensee who fails to remit any license fee provided for by this chapter when due is in addition to the amount due liable for a penalty of the amount of the license fee evaded or not paid, collected or paid over. The penalty must be assessed and collected in the same manner as are other charges, license fees and penalties under this chapter.

Sec. 18. NRS 463.403 is hereby amended to read as follows:

463.403 1. Every person required to pay the tax imposed by NRS 463.401 shall file with the commission, on or before the 24th day of each month, a report showing the amount of all taxable receipts for the preceding month.

2. Each report must be accompanied by the amount of tax which is due for the month covered by the report.

3. If the amount of tax required to be reported and paid pursuant to NRS 463.401 is later determined to be greater or less than the amount actually reported and paid, the commission shall:

(a) Charge and collect the additional tax determined to be due, with interest thereon until paid; or

(b) Refund any overpayment to the person entitled thereto pursuant to this chapter, with interest thereon.

Interest ~~is~~ pursuant to paragraph (a) must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following ~~either~~ the due date of the additional tax ~~for the date of overpayment~~ until paid. Interest pursuant to paragraph (b) must be computed at one-half the

rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.

Sec. 19. NRS 463.450 is hereby amended to read as follows:

463.450 1. Any disseminator of such information obtaining a license under NRS 463.430 to 463.480, inclusive, shall pay to the commission a fee of 4.25 percent of the total fees collected from users each calendar month for the dissemination of live broadcasts.

2. The commission shall collect the fee on or before the last day of each calendar month for the preceding calendar month.

3. If the amount of the fee required by this section to be reported and paid is determined to be different than the amount reported or paid by the licensee, the commission shall:

(a) Charge and collect any additional fee determined to be due, with interest thereon until paid; or

(b) Refund any overpaid fees to the person entitled thereto pursuant to this chapter, with interest thereon.

Interest ~~is~~ pursuant to paragraph (a) must be computed at the rate prescribed in NRS 17.130 from the first day of the first calendar month following ~~either~~ the due date of the additional license fees ~~for the date of overpayment~~ until paid. Interest pursuant to paragraph (b) must be computed at one-half the rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.

4. The commission shall remit all fees collected, less any fees refunded pursuant to subsection 3, to the state treasurer for deposit to the credit of the state general fund.

Sec. 20. NRS 463.482 is hereby amended to read as follows:

463.482 As used in NRS 463.160 to 463.170, inclusive, and section 3 of this act, 463.368, 463.386 and 463.482 to 463.645, inclusive, unless the context otherwise requires, the words and terms defined in NRS 463.4825 to 463.488, inclusive, have the meanings ascribed to them in those sections.

Sec. 21. NRS 463.643 is hereby amended to read as follows:

463.643 1. Each person who acquires, directly or indirectly, beneficial ownership of any voting security in a publicly traded corporation which is registered with the commission may be required to be found suitable if the commission has reason to believe that his acquisition of ~~such~~ that ownership would otherwise be inconsistent with the declared policy of this state.

2. Each person who acquires, directly or indirectly, beneficial ownership of any debt security in a publicly traded corporation which is registered with the commission may be required to be found suitable if the commission has reason to believe that his acquisition of ~~such~~ the debt security would otherwise be inconsistent with the declared policy of this state.

3. Each person who, individually or in association with others, acquires, directly or indirectly, beneficial ownership of more than 5 percent of any class of voting securities of a publicly traded corporation registered with the

Nevada gaming commission, and who is required to report, or voluntarily reports, ~~[such]~~ the acquisition to the Securities and Exchange Commission pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended , ~~[(1)]~~ 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively , ~~[(1)]~~ shall file a copy of that report, and any amendments thereto, with the Nevada gaming commission within 10 days after filing that report with the Securities and Exchange Commission.

4. Each person who, individually or in association with others, acquires, directly or indirectly, the beneficial ownership of more than 10 percent of any class of voting securities of a publicly traded corporation registered with the commission, ~~and~~ or who is required to report, or voluntarily reports, the acquisition pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended , ~~[(1)]~~ 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively , ~~[(1)]~~ shall apply to the commission for a finding of suitability within 30 days after the chairman of the board mails the written notice.

5. A person who acquires beneficial ownership of any voting security or debt security in a publicly traded corporation created under the laws of a foreign country which is registered with the commission shall file such reports and is subject to such a finding of suitability as the commission may prescribe.

6. Any person required by the commission or by this section to be found suitable shall:

(a) Except as otherwise required in subsection 4, apply for a finding of suitability within 30 days after the commission requests that he do so; and

(b) Together with the application, deposit with the board a sum of money which, in the opinion of the board, will be adequate to pay the anticipated costs and charges incurred in the investigation and processing of the application, and deposit such additional sums as are required by the board to pay final costs and charges.

7. Any person required by the commission or this section to be found suitable who is found unsuitable by the commission shall not hold directly or indirectly the beneficial ownership of any voting security or debt security of a publicly traded corporation which is registered with the commission beyond the time prescribed by the commission.

8. The violation of subsection 6 or 7 is a gross misdemeanor.

9. As used in this section, "debt security" means any instrument generally recognized as a corporate security representing money owed and reflected as debt on the financial statement of a publicly traded corporation, including, but not limited to, bonds, notes and debentures.

Sec. 22. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 5, inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device , ~~[(or)]~~ cashless

wagering system *or interactive gaming system* for use or play in Nevada or for distribution outside of Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the board, dispose of by sale in a manner approved by the board, any or all of its gaming devices, including slot machines, and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The commission may, by regulation, authorize a person who owns gaming devices for home use in accordance with NRS 463.160 to sell such devices without procuring a license therefor.

5. Upon approval by the board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the commission on postsecondary education, may be disposed of by sale, in a manner approved by the board, without a distributor's license. An application for approval must be submitted to the board in the manner prescribed by the chairman.

6. ~~Any~~ *Except as is otherwise required for the licensure of a manufacturer of interactive gaming components, any person whom the commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may be issued a manufacturer's or distributor's license. The burden of proving his qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.*

7. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the commission.

8. The commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the commission determines that the exemption is consistent with the purposes of this chapter.

9. As used in this section, "holding company" has the meaning ascribed to it in NRS 463.485.

Sec. 23. NRS 463.670 is hereby amended to read as follows:

463.670 1. The legislature finds and declares as facts:

(a) That the inspection of gaming devices, associated equipment , ~~and~~ cashless wagering systems *and interactive gaming systems* is essential to carry out the provisions of this chapter; and

(b) That inspection of gaming devices, associated equipment , ~~and~~ cashless wagering systems *and interactive gaming systems* is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

2. The board may inspect every gaming device which is manufactured, sold or distributed:

(a) For use in this state, before the gaming device is put into play.

(b) In this state for use outside this state, before the gaming device is shipped out of this state.

3. The board may inspect every gaming device which is offered for play within this state by a licensee.

4. The board may inspect all associated equipment , ~~and~~ every cashless wagering system *and every interactive gaming system* which is manufactured, sold or distributed for use in this state before the equipment or system is installed or used by a licensee and at any time while the licensee is using the equipment or system.

5. In addition to all other fees and charges imposed by this chapter, the board may determine, charge and collect an inspection fee from each manufacturer, seller or distributor which must not exceed the actual cost of inspection and investigation.

Sec. 24. The amendatory provisions of this act do not apply to offenses committed before July 1, 2001.

Sec. 25. This act becomes effective on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to gaming; authorizing the Nevada gaming commission to adopt regulations governing the licensing and operation of interactive gaming if the commission first makes certain determinations; providing that a license to operate interactive gaming may be issued only to resort hotels or certain other establishments holding nonrestricted licenses; providing for certain application fees and license fees relating to interactive gaming; providing that gross revenue received from interactive gaming is subject to taxation in the same manner as gross revenue received from other games; exempting the operation of interactive gaming from certain other fees and taxes; revising the computation of interest payable by the commission on the overpayment of certain fees and taxes; prohibiting a person from operating interactive gaming until the commission adopts regulations and unless the person procures and maintains all licenses required pursuant to the regulations; providing for the enforceability of gaming debts incurred pursuant to an interactive gaming system; providing for the licensure and regulation of manufacturers of interactive gaming components; revising provisions relating to persons who acquire a certain beneficial ownership in a publicly traded corporation registered with the commission; revising the

definitions of “gross revenue” and “manufacturer” for the purposes of the Nevada Gaming Control Act; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Enacts provisions governing licensing and operation of interactive gaming and revises various provisions relating to gaming. (BDR 41-531)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Tiffany, Carpenter and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 245.

Bill read second time.

The following amendment was proposed by Assemblywoman Chowning:

Amendment No. 631.

Amend sec. 4, page 2, by deleting lines 1 through 5 and inserting:

“Sec. 4. 1. *“Charter bus” means a motor vehicle for the transport of persons, chartered by the hour or for a fixed period, that:*

(a) *Has a minimum capacity of 32 persons; and*

(b) *Is hired to provide service for a person or group of persons traveling from one location to another for a common purpose.*

2. *The term does not include a bus transporting persons on the basis of a fee or charge that is imposed per person.”.*

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblymen Dini and Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 439 be placed on the Second Reading File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 536 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Gustavson moved that all rules be suspended and that Assembly Bill No. 456 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 439.

Bill read second time.

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

Amendment No. 633.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, “commissioner” means the commissioner of consumer affairs.”.*

Amend sec. 2, page 1, line 4, by deleting “names” and inserting “telephone numbers”.

Amend sec. 2, page 1, line 5, by deleting “consumers” and inserting “persons”.

Amend sec. 2, page 1, by deleting lines 8 through 13 and inserting:
“available to a telephone solicitor for a fee established by the commissioner. The fee must not exceed \$500 annually for each telephone solicitor.

2. *The commissioner shall provide to persons in this state:*

(a) Information concerning the establishment and maintenance of the registry, including:

(1) The procedure for requesting the inclusion of a telephone number in the registry;

(2) A statement indicating that the registry will be revised and published at least once every 6 months pursuant to subsection 4; and

(3) A statement indicating that all telephone numbers and any other information included in the registry will be deleted on January 1 of each year pursuant to subsection 4; and

(b) The procedure for the inclusion of a telephone number in the registry.”.

Amend sec. 2, page 1, line 14, by deleting “consumer” and inserting “person”.

Amend sec. 2, page 1, line 17, by deleting “consumer” and inserting “person”.

Amend sec. 2, page 1, between lines 18 and 19, by inserting:

“4. *The commissioner shall:*

(a) *Revise the telephone numbers and any other information included in the registry and publish the revised registry at least once every 6 months; and*

(b) *Delete all telephone numbers and any other information included in the registry on January 1 of each year.”.*

Amend sec. 3, page 1, line 21, by deleting: “2, 3 and 4” and inserting: “2 to 9, inclusive.”.

Amend the bill as a whole by deleting sections 4 through 6, renumbering sec. 7 as sec. 12 and adding new sections designated sections 5 through 11, following sec. 3, to read as follows:

“Sec. 5. 1. *Except as otherwise provided in subsection 2, a telephone solicitor shall not intentionally make an unsolicited telephone call for the sale of goods or services to a person whose telephone number has been included for at least 30 days in the most recently published registry.*

2. *The provisions of subsection 1 do not apply to a telephone call made:*

(a) *By or on behalf of a public utility or community antenna television company that is regulated pursuant to chapter 704 or 711 of NRS, or by an affiliate of the public utility or community antenna television company, if the making of the telephone call is authorized by the terms and conditions of the certificate of public convenience and necessity or franchise of the public utility or community antenna television company;*

(b) *By or on behalf of a company that provides television services by satellite; or*

(c) *To a person:*

(1) *With whom the caller or an entity on whose behalf the call is made, or its affiliate, has a business relationship; or*

(2) *Who had a business relationship with the caller or entity on whose behalf the call is made, or its affiliate, if the telephone call is made within 12 months after:*

(I) *The business relationship was terminated; or*

(II) *The date on which the person last purchased any goods or services from the caller or entity.*

Sec. 6. 1. *If the commissioner finds that a telephone solicitor has violated a provision of section 5 of this act, the commissioner may, in lieu of taking any action against the telephone solicitor pursuant to NRS 598.0903 to 598.0999, inclusive, for the first offense, issue a notice of violation to the telephone solicitor if the telephone solicitor submits proof to the commissioner that he has:*

(a) *Obtained a copy of the registry and has established written policies and procedures concerning the provisions of sections 2 to 9, inclusive, of this act;*

(b) *Provided training to each person who makes telephone calls for the telephone solicitor concerning the provisions of sections 2 to 9, inclusive, of this act; and*

(c) Maintained records evidencing compliance with the provisions of paragraphs (a) and (b).

2. A notice of violation issued pursuant to subsection 1 must set forth with particularity the violation alleged by the commissioner and specify the corrective action that the telephone solicitor must take and the period within which that corrective action must be taken. If a telephone solicitor to whom a notice of violation is issued fails to take the corrective action specified in the notice of violation, the commissioner may:

(a) Extend the period for taking corrective action; or

(b) Proceed against the telephone solicitor in accordance with the provisions of NRS 598.0903 to 598.0999, inclusive.

Sec. 7. A violation of a provision of section 5 of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

Sec. 8. 1. The revolving account for the commissioner is hereby created, which must be used only for the payment of expenses to carry out the provisions of sections 2 to 9, inclusive, of this act.

2. The commissioner shall deposit the fees collected pursuant to section 3 of this act in the revolving account in a bank or credit union that is qualified to receive deposits of public money as provided by law. The deposit must be secured by a depository bond satisfactory to the state board of examiners.

3. The commissioner or his designee may:

(a) Sign all checks drawn upon the revolving account; and

(b) Make withdrawals of cash from the revolving account.

4. Payments made from the revolving account must be promptly reimbursed from the legislative appropriation, if any, made to the commissioner for the expenses to carry out the provisions of sections 2 to 9, inclusive, of this act. The claim for reimbursement must be paid as other claims against the state are paid.

5. The commissioner shall:

(a) Approve any disbursement from the revolving account; and

(b) Maintain a record of each disbursement.

Sec. 9. The commissioner shall adopt regulations to carry out the provisions of sections 2 to 9, inclusive, of this act.

Sec. 10. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. A person who violates a court order or injunction issued pursuant to NRS 598.0903 to ~~598.0997,~~ 598.0999, inclusive, upon a complaint brought by the commissioner, the director, the district attorney of any county of this state or the attorney general shall forfeit and pay to the state general fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to ~~598.0997,~~ 598.0999, inclusive.

2. In any action brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the commissioner, the director, the district attorney of any county in this state or the attorney general bringing the action may recover a civil penalty not to exceed \$2,500 for each violation.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice, other than a deceptive trade practice described in NRS 598.992:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.281 to 598.289, inclusive, 598.840 to 598.966, inclusive, ~~for 598.992,~~ 598.992 or section 5 of this act, fails to comply with a judgment or order of any court in this state concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this state; or

(b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order *any* other appropriate relief.

Sec. 11. The amendatory provisions of this act do not apply to offenses committed before January 1, 2002.”

Amend sec. 7, page 3, line 11, by deleting: “October 1, 2001,” and inserting: “January 1, 2002,”.

Amend the title of the bill to read as follows:

“AN ACT relating to deceptive trade practices; requiring the establishment of a registry of persons who do not wish to receive unsolicited telephone calls for the sale of goods or services; prohibiting a telephone solicitor from making an unsolicited telephone call to a person whose telephone number is included in the registry under certain circumstances; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to deceptive trade practices. (BDR 52-1263)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 536.

Bill read third time.

Roll call on Assembly Bill No. 536:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read second time.

The following amendment was proposed by Assemblyman Gustavson:

Amendment No. 634.

Amend sec. 4, page 3, by deleting lines 1 through 3 and inserting: “(a) *A designation of the face value of the token.*”.

Amend sec. 4, page 3, line 11, after “500” by inserting “*numbered*”.

Assemblyman Gustavson moved the adoption of the amendment.

Remarks by Assemblyman Gustavson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 499 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 499.

Bill read second time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 624.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 393.103 is hereby amended to read as follows:

393.103 A school district that has more than 150,000 pupils enrolled shall develop and adopt a policy concerning the renovation or reconstruction

of older buildings for schools or related facilities. As part of the policy, consideration must be given to the relative advantages and disadvantages of the renovation or reconstruction of older buildings for schools or related facilities as compared to the design, construction or purchase of new buildings for schools or related facilities [—], *including, without limitation, an analysis of the costs to renovate or reconstruct existing buildings and facilities to comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., in comparison with the costs to construct or purchase new buildings and facilities.* The policy must include, without limitation, guidelines for use by the board of trustees in determining whether older buildings should be renovated or reconstructed or whether new buildings to replace those older buildings should be constructed or purchased [—], *including, without limitation, a determination of the costs to renovate or reconstruct existing buildings and facilities to comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., in comparison with the costs to construct or purchase new buildings and facilities.”.*

Amend sec. 2, page 2, by deleting lines 28 through 30 and inserting:

“2. Notwithstanding the provisions of NRS 387.328 to the contrary, the board of trustees of the Clark County School District may use an amount not to exceed \$200 million from the fund for capital projects created pursuant to NRS 387.328 to reconstruct at least eight existing”.

Amend sec. 2, page 2, line 33, by deleting “393.100” and inserting “393.103”.

Amend sec. 2, page 2, line 36, by deleting “five”.

Amend sec. 2, page 2, by deleting lines 39 through 42.

Amend sec. 2, page 2, line 43, by deleting “4.” and inserting “3.”.

Amend sec. 2, page 2, line 48, by deleting “five”.

Amend the title of the bill to read as follows:

“AN ACT relating to public schools; revising provisions governing the policy for the renovation or reconstruction of schools required of certain school districts; revising provisions governing the use of certain proceeds of bonds for a pilot program of a certain school district for the replacement of schools; requiring Clark County school district to continue its pilot program for the replacement of schools; authorizing a certain school district to use a certain amount of money from its fund for capital projects to finance the replacement of schools designated for its pilot program; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing policy for renovation or reconstruction of schools and authorizes use of money from fund for capital projects for continuation of pilot program for replacement of schools in certain school district. (BDR 34-861)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie DeGroff.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Howard.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to April Mastroluca.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Dani Burt.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Zach Freeman, Travis Renslow and Kim Tate.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Waltman.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Price, Anne Price and Brigitte Price.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to DeWaine Brown, Judy Brown and Jackie Greene.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Blend.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Pannell and Justine McNeal.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Bladon.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to D.J. Stutz.

On request of Assemblywoman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Teri Nichols and Jill Cassell.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Brigitte Solvie.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Sealy and Chris Stowe.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Sullivan.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Sherry Cushman and Kara Spracklin.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Sanders.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Erika Mayer.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Lawrence.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Randi Freeman and Travis McCurry.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Johnson, Kevin Thomas and Loretta Evenson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Meg Kent.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Mills.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Delbert B. Barry, Phyllis P. Barry Stoop and Joy Stoop.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanine Van de Vort and Brandon Wilcox.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Sanders.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Wilson and Virginia Bowman.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Dixie Worden.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Hernandez, Shelly McFarland and Heidi Wachter.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Keirn and Colton Draper.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Saylor, Caryn Bake and Dawn Rocheleau.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Bice.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Glynis Stirling and Juanine Kenourgias.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Pavik.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Capps, Joni Hyams, Sheila Bolton, Kristin Stokes, Sheila Merritt, Kim Scharmann, Beth Kitchen, Lonnie Karges, Tracy Banks, Julie Case, Linda Sitze, Larry Paul, Terri Dietlein, Ramona Baxter, Jared Baxter, Bradley Cobler, Stephen Deterding, William Dietlein, Nicholas Grant, Robert Higgins, Ruby Kimball, Robyn Langguth, Kyle Machado, Hannah Nystrom, Ian Paul, Kristen Sonderegger, Taylor Stokes, Kevin Sloan, Annie Brinson, Jared Case, Andrew Coleman, Tiffany Halen, Joshua Karges, Zachary Karges, Lauren Metcalf, Jeff Patane, Sophia Raphael, Lyndsey Sullivan, Austin Bartosz, Danielle Benson, Sarah Evans, Joshua Gansberg, Melissa Karges, Rebecca Kitchen, Micah Laack, David Leid, Sam Marson, Brian Merritt, Sarah Metcalf, John Renaud, Kaitlin Scharmann, Christian Volker and Rachel Winters.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Hardin.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Frost, Amanda Keirn and Kathi Allen.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Lyndsey Cartmal and Lena La Flame.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to C.J. Wisner, Donny Frey,

Jennifer Raney, Karin Christiansen, Katherine Clark, Melinda Maley, Kevin Thomas, Dixie Dahl, Heather Bake, Caryn Bake, Rita McNight, Valerie Bake, Kari Hassell, Kelly Frost and Norman Frey.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to BriAnne Jensen, Adam Clem, Allen West, Justin Whipple, Sara Ternus, Marisa Flores, Brandon Smith, David Leavitt and Susan Riedy.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Willis and Deborah Willis.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 27, 2001 at 9:00 a.m.

Motion carried.

Assembly adjourned at 7:17 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 30, 2001

Assembly called to order at 11:34 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Collins, Freeman, Giunchigliani and Parnell, who were excused.

Prayer by the Chaplain, Reverend Jeffrey Paul.

O fountain of all wisdom, whose will is good and gracious, and whose law abides in all creation: we beseech You so to guide and bless the members of this Assembly, that they may enact such laws as shall sustain the earth; open our hearts and minds to Your grace and Your truth, to Your glory and the welfare of Your people; in Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 60, 152, 155, 164, 312, 334, 347, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Senate Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 415.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 56, 83, 123, 133, 211, 216, 238, 273, 274, 303, 357, 394, 412, 424, 425, 498, 503, 513, 516, 520, 523, 535, 539, 558.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

April 27, 2001

A Waiver requested by: Assembly Select Committee on Energy.

For: Assembly Bill No. 661.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 71st day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day).

With the following conditions:

May only be passed out of final committee of house of origin on or before May 04, 2001.

May only be passed out of house of origin on or before May 11, 2001.

Has been granted effective: April 27, 2001

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

By the Committee on Government Affairs:

Assembly Joint Resolution No. 14—Proposing to amend the Constitution of the State of Nevada to remove the requirement that the Legislature fix the compensation of elected county officers.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 32 of article 4 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties. ~~[and compensation.]~~ County Clerks shall be *ex-officio* Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

Assemblyman Bache moved that the resolution be referred to the Concurrent Committees on Government Affairs and Constitutional Amendments.

Motion carried.

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 56.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Elections, Procedures, and Ethics and Transportation.

Motion carried.

Senate Bill No. 83.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 123.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 133.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 211.

Assemblywoman Buckley moved that the bill be referred to the Select Committee on Energy.

Motion carried.

Senate Bill No. 216.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 238.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 273.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 274.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 303.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 357.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 394.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 412.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 415.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 424.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 425.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 498.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 503.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 513.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 516.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 520.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 523.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 535.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 539.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 558.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 93.

Bill read second time and ordered to third reading.

Senate Bill No. 100.

Bill read second time and ordered to third reading.

Senate Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 606.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 483.250 is hereby amended to read as follows:

483.250 The department shall not issue any license under the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) Except as otherwise provided in paragraph (e), a license to a person between the ages of 16 and 18 years ~~[who]~~ if:

(1) *He* has completed a course ~~[-~~

~~(1) *In*~~ in automobile driver education pursuant to NRS 389.090 ~~[-or~~

~~(2) *Provided*~~ or a course provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090 ~~[-and who has]~~ ;

(2) *He* has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280 ~~[-The]~~ ;

(3) *He* has held an instruction permit for not less than 6 months before he applies for the license; and

(4) His parent or legal guardian ~~[of a person who desires to obtain a license pursuant to this paragraph must sign and submit]~~ has signed and submitted to the department a form provided by the department which attests that the person who ~~[desires a]~~ wishes to obtain the license has completed the training and experience required by this paragraph.

(e) A license to a person who is between the ages of 16 and 18 years if:

(1) The public school in which he is enrolled is located in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000;

(2) The public school does not offer automobile driver education;

(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280; ~~[and]~~

(4) *He* has held an instruction permit for not less than 6 months before he applies for the license; and

(5) His parent or legal guardian signs and submits to the department a form provided by the department which attests that the person who ~~[desires a]~~ wishes to obtain the license has completed the experience required by subparagraph (3).

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but, upon good cause shown to the administrator, the department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this state.

8. To any child who is the subject of a court order issued pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.2255, 62.226 or 62.228 which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.”.

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

“Sec. 5. NRS 389.090 is hereby amended to read as follows:

389.090 1. The state board shall adopt regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this state.

2. The aims and purposes of automobile driver education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain automobile driver education classes during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with those courses. The cost of the insurance must be paid from available school district funds.

4. A governing body of a charter school may establish and maintain automobile driver education classes if the governing body insures against any liability arising out of the use of motor vehicles in connection with those courses.

5. Automobile driver education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the state board and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

7. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must be restricted to pupils who are ~~{sophomores, juniors or seniors in high school.}~~ *at least 15 years of age.*”.

Amend the bill as a whole by renumbering sec. 5 as sec. 8 and adding a new section designated sec. 7, following sec. 4, to read as follows:

“Sec. 7. The amendatory provisions of section 1 of this act do not apply to a person who was issued an instruction permit before July 1, 2001.”.

Amend the title of the bill, fourth line, after “epileptic;” by inserting: “providing that courses in automobile driver education in public schools must be limited to pupils who have attained a certain age;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to drivers’ licenses and identification cards. (BDR 43-1170)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Goldwater, Arberry and Anderson.

Amendment adopted on a division of the House.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 282.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 110 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Dini requested that his remarks be entered in the Journal.

On July 1, 2001, John Lilley will become the 14th president of the University of Nevada, Reno. He will follow President Emeritus and Regents Professor, Joe Crowley, who held the position for 23 years. President-designate Lilley continues the University’s commitment to the highest possible quality and taking it to the next level of national recognition as a major research, land-grant institution serving the citizens of Nevada and a larger international audience.

Dr. Lilley has been provost and chief executive officer at Penn State Erie since 1980. He received his bachelor’s and master’s degrees from Baylor University and his doctorate from the University of Southern California. He began his career in higher education at the Claremont Colleges and taught and became administrator at Kansas State University.

Welcome to the Nevada Legislature.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 176, 293, 441; Assembly Joint Resolutions Nos. 1, 4; Assembly Resolutions Nos. 11, 12; Senate Bill No. 271; Senate Concurrent Resolutions Nos. 7, 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ruby Roach and Kirk Kleinschmidt.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Camacho, Bob Frankenberg and Joy Erikson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Wamsley and Karen Rudd.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Underwood and Jennifer Thomas.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Williams, Julia Anderson, Jenny Ayala, Cassandra Field, Jared Moser, Brian Bailey, Jason Coleman, Rachel Conrad, Brittany Freeman, Vanessa Fugate, Kristina Knowles, Ismael Madrigal, Maria Moreno, Luis Ramirez, Jennifer Robinson, Jennifer Schepperle, Traci Trenoweth, Rebecca Collins, Erik Achenbach, Danny Aldis, Lewis Evans, Jared Madison, Peter McGuinness, Lynzie Ruecker, A.J. Runzel, Cheyne Snyder, Pamela Toohey, Richard Woodward and Laura Wulff.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Hardman.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 1, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday) May 1, 2001

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Collins, who was excused.

Prayer by the Chaplain, Reverend Jeffrey Paul.

O Hidden Life vibrant in every atom; O Hidden Light shining in every creature; O Hidden Love embracing all in oneness; May each here present who feels themselves as one with You, know that they are also one with every other.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 45, 50, 52, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 236, 548, 580.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

April 30, 2001

A Waiver requested by: Senate Standing Committee on Commerce and Labor.

For: Senate Bill No. 421.

To Waive:

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).

With the following Conditions:

May only be passed out of house of origin on or before May 04, 2001.

May only be passed out of final committee of second house on or before May 25, 2001.

May only be passed out of second house on or before May 29, 2001.

Has been granted effective: April 30, 2001

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

Assemblywoman Chowning moved that Senate Bill No. 260 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 93 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 31 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 60.

Bill read second time and ordered to third reading.

Senate Bill No. 124.

Bill read second time and ordered to third reading.

Senate Bill No. 152.

Bill read second time and ordered to third reading.

Senate Bill No. 155.

Bill read second time and ordered to third reading.

Senate Bill No. 164.

Bill read second time and ordered to third reading.

Senate Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 642.

Amend sec. 4, page 2, line 10, by deleting “*for children*”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 312.

Bill read second time and ordered to third reading.

Senate Bill No. 334.

Bill read second time and ordered to third reading.

Senate Bill No. 347.

Bill read second time and ordered to third reading.

Senate Bill No. 472.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 100:

YEAS—41.

NAYS—None.

EXCUSED—Collins.

Senate Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 110:

YEAS—41.

NAYS—None.

EXCUSED—Collins.

Senate Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 282.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 282:

YEAS—41.

NAYS—None.

EXCUSED—Collins.

Senate Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 31:

YEAS—41.

NAYS—None.

EXCUSED—Collins.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 190.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Lucero.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Gutierrez, Colette Crawford, Frank Colosimo, Colette Villarreal, Margarita Stempien, Valeria Melia, Gail Alcalay, Kerry Ligon, Linda Sassani, Lisa Wetzel, Kelly Wright, Chris Heffinger, Diane Scala, Tenaya Preston, Shirley Overlay, Debbie Brunty, Phylis Carra, Julia Morris, April Garrison, Carmen Colosimo, Emilio Arboleda, Alec Jacobsen, Shawn Johnson, Jake Melia, Christopher Nicholson, Rafael Rodriguez, Matthew Stempien, Vincent Villarreal, Michelle Camacho, Moyra Boudhir, Moriah Contreras, Porsha Hicks, Amanda Johnson, Tara Mouilso, Adriana Perez, Jessica Richards, Ashley Uceda, Kellie Brunty, John Carra, Samantha Cinquegrani, Byron Claudio, Brian Cone, Chelsea Cushing, Olivia Ferrell, Toni Foster, Marcus Garcia, Tori Garrison, Alix Goldstein, Desiree Green, Steveon Guthrie, Bryce Heffinger, Emilia Kowalska, Chris Ligon, Zachary Morris, Albert Morton, Zobair Naqshband, Justin Overlay, A'ja Preston, Beth Sassani, Matthew Scala, Annamarie Smith, Myann Tran, Brandon Wetzel, Brittany Wright, Betty Jean Dyer, Earl A'Ryan Johnson and Samantha Anderson.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 2, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:46 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), May 2, 2001

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Jeffrey Paul.

The earth belongs to the Almighty, everything on it is God's. For the Holy One breathed life-breath into it, filling it with manifold creatures, each one precious in God's sight. Who is fit to hold power and worthy to act in God's place? Those with a passion for the truth, who act with mercy to the poor and helpless, who have let go of selfish concerns, and see the whole earth as sacred, refusing to exploit her creatures or to foul her waters or lands. Their strength is in their compassion; God's light shines through their hearts. Their children's children will bless them, and the work of their hands shall endure. Let it be so this day, in this place.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 17, 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 77, 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain,

Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 27—Designating April 28, 2001 as Workers Memorial Day in Nevada.

WHEREAS, Since 1989, April 28 has been observed as Workers Memorial Day by the American Federation of Labor and Congress of Industrial Organizations; and

WHEREAS, This date is significant in that it is the anniversary of the enactment of the Occupational Safety and Health Act of 1970, and trade unionists around the globe now mark April 28 as an “International Day of Mourning”; and

WHEREAS, Workers Memorial Day is not only a time to remember the workers who have succumbed to an occupational disease or been injured or killed on the job, but a time to renew the commitment to prevent these tragedies in the future by supporting needed protections and defending the promise of safe jobs for all workers; and

WHEREAS, The theme for Workers Memorial Day for this year is “Mourn for the Dead. Fight for the Living. Stop the Pain”; and

WHEREAS, Decades of struggle by workers and their unions have resulted in significant improvements in working conditions, but the toll of workplace injuries, illness and deaths remains too high as, each year, more than 60,000 workers die from job-related injuries and illnesses and another 6 million are injured; and

WHEREAS, Too often these tragedies and the devastation they cause for these workers, their families and co-workers are quickly forgotten; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 71st session of the Nevada Legislature hereby designates April 28, 2001, as Workers Memorial Day, a day to honor and remember the workers who have succumbed to occupational diseases or been injured or killed as a result of work-related accidents; and be it further

RESOLVED, That the residents of the State of Nevada are hereby urged to observe this day by recognizing the need for strengthening safety and health protections in the workplace so that future workplace tragedies can be prevented.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Claborn, Smith, Nolan, Ohrenschall, Collins, Humke, Chowning and Price.

Resolution adopted unanimously.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 27 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 10.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Resolution adopted.

SECOND READING AND AMENDMENT

Senate Bill No. 45.

Bill read second time and ordered to third reading.

Senate Bill No. 50.

Bill read second time and ordered to third reading.

Senate Bill No. 52.

Bill read second time and ordered to third reading.

Senate Bill No. 281.

Bill read second time and ordered to third reading.

Senate Bill No. 300.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 60.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 60:

YEAS—42.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 124:

YEAS—42.

NAYS—None.

Senate Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 152.

Bill read third time.

Remarks by Assemblymen Bache, Gibbons, Marvel, Nolan, Carpenter, Buckley, Angle, Price, Humke and Collins.

Roll call on Senate Bill No. 152:

YEAS—42.

NAYS—None.

Senate Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Bache.

Assemblyman Bache moved that Senate Bill No. 155 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Goldwater.

Conflict of interest declared by Assemblyman Goldwater.

Roll call on Senate Bill No. 164:

YEAS—41.

NAYS—None.

NOT VOTING—Goldwater.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 203:

YEAS—40.

NAYS—Angle, Gustavson—2.

Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 312.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 312:

YEAS—42.

NAYS—None.

Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 334.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 334:

YEAS—42.

NAYS—None.

Senate Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 347.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 347:

YEAS—42.

NAYS—None.

Senate Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Remarks by Assemblymen Neighbors and Carpenter.

Roll call on Senate Bill No. 472:

YEAS—41.

NAYS—Gibbons.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 36.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 36.

Assemblywoman Gibbons moved the adoption of the resolution.

Remarks by Assemblywoman Gibbons.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIBBONS:

Bud Hurin—teacher, sports enthusiast, coach, storyteller, athlete and soldier.

He was a Marine, and you know what they say about Marines: “Once a Marine, always a Marine.” Bud Hurin carried the lessons of discipline and hard work learned in his early years as a young Marine soldier in combat during WWII. He was a true Marine.

He then applied it to his other love—basketball. This is where he honed the skills of accuracy, endurance, and the speed of a “sports” warrior. Yes—he could literally make a basketball jump, spin, fly, and bounce under the kneecaps of the bigger foes maneuvering down the court to score for his team. When he could no longer jump, run or fly like the former super hero he was, he then passed on his knowledge and his gift to upcoming young athletes.

Yes, Bud Hurin was a man to remember—one to memorialize, because, by his teaching and coaching, he passed on to other young people the lessons of a true Marine soldier. “Semper Paratus”—always true.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 236, 548, and 580.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Suni Daye, Barbara Jones, John Reed, Matt Grant and Scott H. Scales.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Padar.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Jude Hurin, Danielle Hurin, Alex Hurin, Kayla Acquafondata, Gabrielle Anthony, Stephen Ball, Haley Bennett, Zack Burnside, Binh Cao, Matt Clifford, Kelsie Colombini, Mitchell Derr, Ellen Dickson, Chris Dugan, Max Dugan, Sam Dugan, Mallory Fisher, Madchen Biesler, Griffin Kirsch, Darren Lasko, Cheryl Lee, Shane Leeder, Chris Luu, Kelly Mahoney, Allison Pfirmman, Erik Stousland, Bonnie Sullivan, Katie Tsareva, Brice Berman, Daniel Blanco, Gene Casci, Brooke Cohen, Steven Diangelo, Luke Hess, Jessica Huff, Maria Jenkins, Kyle Karrasch, Gregory Mackintosh, Adrianna Moore, Drew Rappaport, Isaac Rubin, Thomas Rubins, Adam Sanders, Garrett Sanford, Daniel Sorensen, Melanie Stites, Megan Tabano, Janaye Volk, Patrick Vu, Erica Ward, Michael Weiss, Bryan Young, Carrie Zhou, William Baumann, Donald Benke, Jerry Boley, Kyle Davis, David Deal, Kyle Denham, Daniel Durst, Elyssa Dutton, Sam Elvick, Ellen Ferguson, Olivia Frock, Courtney Gill, Mikaela Humphreys, Jason Kuo, Anne Leonard, Joseph McAndrews, Conor McAuliffe, Amanda Miller, Justin Myers, Amber Pellegrini, Ryan Polka, Bryce Powell, Derek Reid, Jordann Talavera, Ronald Truong, Kristen Vaneiters, Blake Abston, Alfredo Barron, Christopher Clifford, Hope Collins, Braeden DeLong, Haley Duffrin, Chase Duhon, Philip Francisco, Zachary Gee, Jeffrey Green, Nicholas Groves, Haley Harper, Trinity Houk, Thomas Ishii, Kimberly Keyzers, Shane Knight, Julia Lorbeer, Kyle Pastrell, Anna Quan, Colton Searle, Shelby Sorensen, Jessica Thai, Nicole Tomaino, Tyler Youngberg, Layne Babbitt, Madison Baker and Kimber Bargen.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Case and Dylan Linnell.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Will Cade, Julio Calva, Bianca Chan, Sandra Chao, Mark Cohen, Alice Jimenez, Kristal Johnson, Chris Krcmaric, James McGowen, Kimmie Tanaka and Robin Klein.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Dexter and Amber Griggs.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Mazurek, Carol Loeffelholz, Judith Marco, Deborah Osos, John Brouwers, Thomas Fischer, Robert Leonaggeo, Michael Kershaw, Patricia Mulroy, Cheryl Wiecek, Judy Agnello, Paula Chow, Patrice Schmidt, Michele Abbate, Katie Brenske, Molly Burns, Joseph Chow, James Duffy, Sarah Giampa, Nitsa Gianakoulis, Nicholas Giovingo, Kaitlin Godbey, Erika Johnson, Ryan Jones, Kathleen Kershaw, Alysia Lippetti, Mark Lisowski, Frances Magdaluyn, Charles Martin, Nathalie Mercenier, Brett Pipitone, Joseph Porrello, Jessica Cressy, Carli Portz, Brittany Reilly, Danielle Rogers-Rowe, Christopher Roscoe, Jezrey Saenz, Andrew Schmidt, Melissa Schofield, Jeremy Schwartz, Jenny Terry, Veronica Von Tobel, Danielle Agnello, Vincent Brouwers, Sarah Ellis, Cathleena Fayeghi, Ryan Fischer, Geneive Fumo, Nickolas Giorgione, Monique Hafen, Loren Harkins, Michelle Israel, Christina Jojola, Lauren Kenney, Diana Ladkany, Domenick Leonaggeo, Candace Malone, Taylor Matteson, Dallas Miller, Kelley Mulroy, Dorotka Obara, James Pizzariello, Kristen Ritter, Peter Smiecinski, Nathan Snyder, Stephen Spelman, Mary Stamis, Joseph Trimboli and Bobbie Wiecek.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sabrina Badger, Kristin Foley, Savannah Fritz, Danielle Garcia, Caleb Gesick, Bridget Gordon, Katherine Henkelman, Jason Henkle, Judith Johnson, Tomi Jo Johnson, Jay Kvam, Amy Martin, Ryanne Amodei, Barbara Asp, Hunter Atherton, Danny Nielsen, Rachel Pesis, Dorothy Seidel, Juheon Seung, Nicholas Sosa, Meghan Trotter, Christy Turner, Katy Wilson, Maria Farrow, Aaron Reinhardt, Jessica Allen, Rachel Arends, Cassidy Baxter, Megan Beattie, Ryan Bennett, Nicole Cano, Luke Chavez, Matthew Cluff, Carissa Collins, Robert Deriemer, Sandra Ellis, Meghan Ford, Nicholas, Gitthens, Michelle Greeson, Shantel Hummel, Leroy Hunnewell, Joey Hurzel, Holli Jones, Erin Kelley, Lesleigh Knack, Danny Longhoffer, Michael Ludwig, Erin Menath, Vincent Reymus, Kristopher Roman, Bruce Sellars, Victoria Slovey, Jarod Theiss, Jeff Young, Chandler Allen, Rachelle Baughman, Ruben Bedoy, Raul Betancourt, Jay Brogan, Kenneth Case, Timothy Christeson, Danielle Cook, Jamie Dittenber, Alyss Evans, Marques Giron, Jayson Hadwick, Brandon Hildebrand, Kevin Huffman, Shara Jackson, Dawn Johnson, Nick King, Dylan Linnell, Brandon Luterick, Sarah McClung, Amber Myers, Steven Newell, Logan Nordyke, Daryl Nourse, Richard Pace, Kimberly Picton, Megan Reeder, Tia Svensson, Brianne Bassler, Dawn Bean, Lisa Brooks, Bry Chilton, Julian Contreras, Drake Dembke, David Dwyer, Jamie Foster, Christine Frederick, Sam Greenstein, Robert Handley, Shanell Jensen, Danielle Jones, Alicia Mazy, Rebecca Molleson, Andrew Nixdorf,

Lindsey Olson, Christina Rabe, Alexa Saiz, Michael Snowhill, Tara Spencer, Allen Tremayne, Steven Veatch, Desiree Whitlow, Emily Woodside, Timothy Woodside and Carissa Collins.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 3, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 3, 2001

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Anderson and Tiffany, who were excused.

Prayer by the Chaplain, Reverend Jeffrey Paul.

Almighty God, You have given us this good land as our heritage: grant that we may always prove ourselves mindful of Your favor, that we might know all life and all creation to be sacred. Bless our state with honorable industry, sound learning, and upright manners. Endue with the spirit of wisdom those to whom we entrust the authority of government, that there may be justice and peace for the common good; in Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 373, 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 304, 350, 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 159, 161; Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 27.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Nolan, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Ocegueva, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 28—Recognizing the American Heart Association and commending its community outreach program Operation Heartbeat.

WHEREAS, The American Heart Association was established in 1924 by six cardiologists and is currently one of the world's leading health organizations whose volunteers and supporters number more than 22 million people nationwide; and

WHEREAS, The American Heart Association spent approximately \$337 million during fiscal year 1999-2000 on research support, public and professional education, and community programs; and

WHEREAS, The American Heart Association has given more than \$1.8 billion to heart and blood vessel research in the past 50 years; and

WHEREAS, Advances in cardiovascular and stroke research have improved the quality of life for millions of American men and women who have survived cardiovascular disease or stroke; and

WHEREAS, Cardiovascular disease is the number one killer of men and women in our nation; and

WHEREAS, Over 1.5 million people suffer a heart attack each year as a result of cardiovascular disease; 480,000 Americans die each year as a result of complications from a heart attack; and 264,000 people die each year from sudden cardiac arrest; and

WHEREAS, The American Heart Association formed the American Stroke Association in 1997, recognizing that stroke is the number three cause of death for American men and women, striking over 600,000 Americans each year; and

WHEREAS, The majority of Americans are not aware of the risk factors or the warning signs of heart attack or stroke; and

WHEREAS, Operation Heartbeat is a community-based program designed to decrease the number of deaths resulting from heart attack and sudden cardiac arrest by strengthening the Chain of Survival which is composed of four "links" which represent the sequence of events necessary to survive these health emergencies; and

WHEREAS, The four “links” of the Chain of Survival are: Early Access, which requires recognition of the signs and symptoms of a heart attack and placement of a 911 call; Early CPR, which is more likely to occur as more people are trained in administering this life-saving procedure; Early Defibrillation, which requires access to and training in the use of automated external defibrillators; and Early Advanced Care by medical professionals to stabilize the victim of a heart attack or cardiac arrest; and

WHEREAS, The national survival rate from sudden cardiac death is only 2 to 5 percent but cities with a strong Chain of Survival have survival rates as high as 20 to 30 percent, and an estimated 50,000 lives could be saved each year if that same survival rate was nationwide; and

WHEREAS, The American Heart Association has established an aggressive goal to decrease coronary heart disease, stroke and associated risk by 25 percent before the year 2010; and

WHEREAS, A step toward this goal took place in Nevada on April 30, 2001, when the American Heart Association hosted a Legislative CPR Training Day to train legislators, constitutional officers and staff who can now contribute to the Chain of Survival by sharing their knowledge and experience with the general public; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislature of the State of Nevada recognizes and commends the American Heart Association and applauds its community outreach program Operation Heartbeat.

Assemblyman Nolan moved the adoption of the resolution.

Remarks by Assemblyman Nolan.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 17.

Bill read second time and ordered to third reading.

Senate Bill No. 77.

Bill read second time and ordered to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Senate Bill No. 118.

Bill read second time and ordered to third reading.

Senate Bill No. 233.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 45.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 45:

YEAS—40.

NAYS—None.

EXCUSED—Anderson, Tiffany—2.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 50.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 50:

YEAS—40.

NAYS—None.

EXCUSED—Anderson, Tiffany—2.

Senate Bill No. 50 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

Remarks by Assemblymen Dini, Freeman, Angle, Buckley, Gustavson, Nolan, Chowning and Collins.

Potential conflict of interest declared by Assemblyman Collins.

Roll call on Senate Bill No. 52:

YEAS—40.

NAYS—None.

EXCUSED—Anderson, Tiffany—2.

Senate Bill No. 52 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 281:

YEAS—39.

NAYS—Perkins.

EXCUSED—Anderson, Tiffany—2.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 300:

YEAS—40.

NAYS—None.

EXCUSED—Anderson, Tiffany—2.

Senate Bill No. 300 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 14.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 14.

Assemblyman Manendo moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Manendo

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Joint Resolution No. 14:

YEAS—40.

NAYS—None.

EXCUSED—Anderson, Tiffany—2.

Senate Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to James Hirigoyen.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Wickliffe.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Ficenc.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Markus Whaley, James Hirogoyen, Jenny Hanes, Cynthis Aguilar, Mariah Hodges, Heather Allen,

Meisha Macklin, Nick Ibarra, Amber Pacodo, Frances Serrano, Wendy Arostequi, Shanika Anderson, April Mellor, Heather Compton, Tarina Ferguson, Gregory Gray, Maria Gonzalez, Michael Brooks, Debbie Block, Eric Clark, Teri Mellor, Scott Little, Daryl Harvey, Marquis Kimbell and Mary Tarr.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Cameron Aguilar, Wayne Appleton, Erin Cambra, Jennifer Ashby, Casey Cotter, Samantha Smith, Kayla Rios, Nicole Smith, Marshall Tunier, Lauren Rachal, Anthony Clinger, Austin Mattos, Timmy Jarland, Alex Jones, Cassie Hood, Cory Harmon, Taylor Clarke, John McLaughlin, Justin Harrity, Patrick Griffin, Jesse See, Trisha Gaughan, Lynne Clinger, Paul Fry, Cody Harmon, Fabian Gonsales, Chelsie Hagggar, Cindy Thompson, Debra Cathon, Carol Jarland, Unkyung Park Johnson and Shelly Gaughan.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Liz Warren and Chuck Convis.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Carol J. Erbach.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Cassidy Baxter.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 4, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), May 4, 2001

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen McClain and Nolan, who were excused.

Prayer by the Chaplain, Reverend Jeffrey Paul.

Gracious God, we remember before You this day, Richard Morgan: friend, lobbyist, servant, brother in Christ; and Paul May, Jr., former Speaker of the Assembly. We hold in our hearts those whom we love but see no longer. May their spirits be so entwined with ours, that their passion for justice, peace and truth will shine forth, not just on our lips, but in our lives. In their honor we may forge friendships one with another and with the natural world, to discover a new affinity with beauty, with life, and with You, who made all things. In these earnest days when the work is heavy and the toil wearisome, lift up our hearts. O God, with the voices of our friends, present and past. Let us draw on the strength and the wisdom of their legacy, that we may serve you night and day; world without end.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 15, 32, 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 264, 323, 374, 409, 414, 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 569, 662, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 199, 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 248, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Smith, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 29—Memorializing former Speaker of the Assembly Paul W. May, Jr.

WHEREAS, The members of the Nevada Legislature note with profound sorrow the passing of former Speaker of the Assembly Paul W. May, Jr., on November 14, 2000; and

WHEREAS, Paul W. May, Jr., was born on January 2, 1928, in the scenic mountain community of Hot Springs, Virginia, and moved to North Las Vegas in 1943; and

WHEREAS, After graduation from Las Vegas High School, Paul May spent 3 years in the United States Army where he studied cryptography; and

WHEREAS, Following his service in the military, Paul May built a career as a real estate agent and broker and as a lobbyist for the City of North Las Vegas; and

WHEREAS, Paul May was first elected to the Nevada Assembly in 1966 and represented District 19 until 1984, addressing crime, tax relief and traffic as some of the major issues in Clark County; and

WHEREAS, As Speaker of the Assembly in 1979, Paul May was responsible for a memorable moment at the end of the 1979 legislative session when he put a towel over the clock so Assembly members would not get paid for an extra day of per diem as the session moved past midnight, resulting in legislative histories describing that as the year the Assembly lasted 134 days and the Senate lasted 135 days, even though they both ended at the same time; and

WHEREAS, Paul May chaired the Assembly Standing Committee on Taxation for 6 of the 10 regular sessions he served, and while he was Chairman in 1981, the Legislature approved the “tax shift” which lowered property taxes and raised sales taxes in reaction to a similar move in California, resulting in a reduction in Nevada’s property taxes to among the lowest in the nation; and

WHEREAS, In 1986, Paul May was elected to his 10th and final term in the Assembly, and, because of his expertise in tax matters, became known as the “Father of Bullfrog County,” with his sponsorship of legislation in 1987 that was designed to obtain additional federal money for the State of Nevada; and

WHEREAS, Paul’s commitment to his community is evidenced by his sponsorship of successful legislation to locate the first campus of the Community College of Southern Nevada in North Las Vegas and his appointments to the Clark County Commission in 1984 and the North Las Vegas City Council in 1985; and

WHEREAS, Paul was actively involved in his community through his membership in numerous organizations, such as the Las Vegas Elks, American Legion, North Las Vegas Township Democratic Club, the Air Force Association and the Masons; and

WHEREAS, As a resident of Nevada for 57 years, Paul’s love for this state, its past and present, led to his collection of Nevadiana and his fame as a known authority on Nevada history, particularly some of its fascinating, lesser-known details; and

WHEREAS, Often referred to as a genuine “Virginia Gentleman” by his colleagues, Paul’s political leadership and character were noted by former Governor Mike O’Callaghan who remembered him as a “low-key leader who seldom, if ever, raised his voice” and “accomplished a great deal in the Assembly by example”; and

WHEREAS, Paul W. May, Jr., is survived by a son, Paul W. May III, two daughters, April Phillips of North Las Vegas and Sandra Torres of Texas, and four grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature do hereby extend their sincere condolences to the family and friends of former Speaker of the Assembly Paul W. May, Jr.; and be it further

RESOLVED, That Paul W. May, Jr., will not only be remembered as an Assemblyman who for 20 years displayed his dry wit and jovial nature, and for his willingness to do the unusual to get the work done, but will also be remembered as an elected official who dedicated his life to public service; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the children of Paul W. May, Jr.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Chowning, Gibbons, Ohrenschall, Marvel, Dini and Collins.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. There’s only three of us left right now, in this body, that were here when Paul was here. The resolution speaks to what a wonderful legislator and fellow person he was. What a great sense of humor he had. He was the kind of legislator we would all like to be. Paul, of course, as the resolution indicates, was from North Las Vegas which is where I’m from and started. He was certainly someone I looked to and who taught me a lot of things over the years. While it doesn’t mention it, one thing I think is worth mentioning is his wonderful wife “Bubbles” who preceded him. She was a joy, also, here in the legislature during the sessions in working with everybody during that 18 years.

I got to thinking this morning, about when we covered the clock. I came to the realization, perhaps we should have done that with some of our deadlines we were going wacko trying to get bills over to the Senate. We could have covered the clock and maybe gotten an extra day and maybe wouldn’t have been so tense. Anyway, as I say, there are only three of us left here.

However, in the building, there are more in the Senate, and even among our fellow lobbyists, who work with us: Bob Barengo and Roger Brimmer, Jack Jeffrey, Alan Glover, Jack Vergiels, people we see every day, who, if you were to ask them, would remember working with Paul May.

The resolution mentions Bullfrog County. I have to tell you, I'll never forget when Bullfrog County came in to being. And for those who maybe heard a lot of jokes about it, the idea was really very good. What Paul actually did was carve out Yucca Mountain and get the legislation done we passed—later on it was reversed. Even though it was kind of cute having the name “Bullfrog”, Bullfrog was actually a mine. You can stand up on top of Yucca Mountain and you can look down to the Bullfrog Mining District. He took Yucca Mountain and made Bullfrog County out of it. Then, in the statutes, his intention was that if they were going to store nuclear waste, which was already being talked about and started at that point in time, we would be able to charge a tax on it and the state would make some money. So, that's how Bullfrog County came to be. It was a good idea, but it didn't go at that time. I noticed the other day as I was down at the Rite-Aid drugstore, that somebody had stolen the idea so I guess we didn't have a law against it. I found some Bullfrog sunblock that someone is now selling. I want to present this to you in memory of Bullfrog County. Anyway, we sure urge you to support this resolution to one of our former Speakers.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. It is a privilege for me to stand here today memorializing one of our legends of North Las Vegas. He moved to North Las Vegas 67 years ago and until the day he passed away, he was a proud resident of that city. When I was preparing remarks to be one of the speakers at his memorial service earlier, I asked several of our former colleagues to give us some words about the legendary Paul May. One of our colleagues said he went to him because he really was such a gentleman, such a mentor and also had wonderful words of advice. He said, “What do I do? I'm just a new guy and all these lobbyists just keep coming to me. How do you deal with them?” Paul said, “Son, if you can't drink their drink and eat their eats the night before, turn around and vote against them the next morning, then you aren't meant for this business.” He said he carried those words with him; they put a real sense of reality to the whole picture. But until he passed away, he was loving, absolutely to his beloved wife and to all the residents of our wonderful city. I want to say today, again, thank you to the family and God bless Paul May.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in honor of this resolution honoring a wonderful public servant, Mr. Paul May. Seems like the more we change the more we stay the same. This former Assemblyman, Mr. May, reminds me of our own Taxation chairman, because he championed the great tax shift of local government property taxes. In saying that, I think he made many wonderful accomplishments.

I think the building department raised that clock a little higher because our Speaker is quite a giant in our eyes and he might have done something with that for this session.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. Although I did not serve with Paul May, Paul May and his wife were close personal friends for many years. He was an inspiration in politics and he always had an open door to help anyone that needed help and I join everyone else in supporting this resolution.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of ACR 29. I started serving with Paul on the Taxation Committee in 1979. You might say Paul was kind of my mentor on taxation. The thing that really stuck in my mind about Paul was about how meticulous he was starting his meetings and how courteous he was to the witnesses that appeared before the Taxation Committee. Not only that, Paul probably knew more Nevada history than most of us combined. Paul was certainly missed when he left service here and I always cherished him as a very close friend.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I must rise in support of this resolution. I met Paul May on the third Monday of January in 1967, when we came into the Assembly together. We were in a class of 17 new members that year. It was the year after reapportionment and we had a big, big turnover because of reapportionment. That was my first lesson in watching guys get put in the same district. The Senator in my area got put into a district from Fallon. Half of them didn't come back. We had a great class that year. Keith Ashworth was a member of it, from Las Vegas. We formed an alliance early. Henderson and North Las Vegas were kind of the orphans of Clark County at that time. They've grown up a lot since then and now have become big, big-shots, but at that time they were like a "cow county." They didn't have many people and used to have to do a lot of talking. They didn't have any "juice" in Clark County. They became part of the rural county delegation at that time. And that's how we became such great friends. We did a lot of enjoyable things together. His wife Lucille was a personal friend of my wife's and I, and also the Chief Clerk Emeritus, of course, served with him as Speaker. I've got to tell you how he became Speaker, though—he beat me. I was Speaker in 1977 and in 1979 Paul was the Speaker. I was the ex-Speaker. But I didn't give up because I came back.

My memories of Paul are all fond. He was an excellent legislator, just first class. I think we went through the Scottish Rite at the Masonic Temple in Reno together in 1979. Although we were kind of foes during that one period of time when he took over as Speaker, we were always friends. It was a friendly engagement we had and he won. I think that probably I talked too much or I put my foot in my mouth. Since then I've learned not to do that near as much as I did at that time. I think I thought I was a big-shot because I was Speaker in 1977. Paul put me down there a little bit. He treated me nice. He gave me back my chairmanship of Government Affairs and put me on Taxation—which I never want to serve on again. I hate that subject. We worked together all those years and we were always on the same side of the issues. He was a great leader. He was a great gentleman. He always treated everyone like a gentleman. I was very proud to say I knew Paul May and I worked with him and I certainly miss him.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I must rise, also, to support this resolution for Paul May. Back when I was on the Planning Commission of North Las Vegas, he was willing, when I would ask, to give good advice. He stood up and explained how things worked. He stepped up in our community, in Clark County to take an appointment on the Clark County Commission when it was in need of leadership. He took up a position on the North Las Vegas City Council when North Las Vegas was really in a struggling situation. He probably helped them turn around and get out of their no growth mode and into a more viable community. He did so many things for so many people. He lived in my district for a few years. He and "Bubbles" had their annual New Year's Eve parties and did so many other friendly things throughout the neighborhood as well, that I'm sure he'll always be remembered in our family as a wonderful person that gave great advice and helped make Nevada a better place for us today.

Resolution adopted unanimously.

Assemblyman Price moved that all rules be suspended and that Assembly Concurrent Resolution No. 29 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 30—Memorializes distinguished legislative advocate, Richard L. Morgan.

WHEREAS, Richard Linn Morgan was born in Grantsville, West Virginia, on March 22, 1928, to Amos and Mary Morgan, and grew up in Bridgeport, West Virginia; and

WHEREAS, Dick Morgan graduated from Bridgeport High School in 1946, having earned 11 letters during his 4 years in high school and becoming the first Bridgeport athlete to receive an athletic scholarship to West Virginia University; and

WHEREAS, Dick Morgan played professional baseball as a pitcher with the Red Sox farm league system in the early 1950s, and pitched against many now legendary players, including Satchell Paige; and

WHEREAS, Dick Morgan served twice in the United States Army, once in the occupation of Japan following World War II and again in 1952 when he was called back to duty during the Korean Conflict; and

WHEREAS, In 1952 Dick Morgan married his high school sweetheart, Barbara Capet, and they lovingly raised two children, Randy Morgan, now a physician in Edmond, Oklahoma, and Kim Morgan, now Chief Deputy Legislative Counsel for the Nevada Legislature; and

WHEREAS, Dick Morgan obtained bachelor's and master's degrees from West Virginia University in Morgantown, West Virginia, and, in 1959, received his law degree from George Washington University in Washington, D.C., while teaching high school history; and

WHEREAS, His innate sense of civic pride, respect for the democratic process, and respect for others regardless of their race or religion instilled in him a ceaseless desire to assist in the development of meaningful public policy in this country resulting from honest and informed public debate of the issues; and

WHEREAS, Upon graduation from law school, he combined his desire for excellence in public education and his skills in legal advocacy for 20 years as Associate Legal Counsel for the National Education Association in Washington, D.C., Associate Executive Director of the Florida Education Association, Executive Director of the Nevada State Education Association, and Executive Director of the Oklahoma Education Association; and

WHEREAS, During his tenure with the National Education Association and the Florida Education Association, he worked tirelessly to achieve equal educational opportunities for children of all races and religions, and to facilitate the racial integration of public school systems; and

WHEREAS, During his tenure as Executive Director of the Nevada Education Association he worked with the Nevada Legislature to create the nation's first collective bargaining law that included binding arbitration, to enact Nevada's "Fair Dismissal Law" for teachers, and to transform the Public Employees' Retirement System into the financially viable benefit program that exists today; and

WHEREAS, Whether he was representing the interests of public school children or private industry or consumers, throughout his career as a legislative advocate Dick Morgan was widely respected for his integrity and honesty; and

WHEREAS, Dick Morgan enjoyed honorable competition, be it on a baseball field, golf course or in legislative halls, but his competitiveness was rarely at the expense of others, and his mild mannered and self-effacing demeanor was frequently punctuated with genuine encouragement for others to be true to themselves and rise to their own personal bests; and

WHEREAS, Dick Morgan contributed a lifetime of wisdom, discernment and pragmatic idealism as a lobbyist, working diligently to provide legislators with facts and information to help shape good public policy, and steadfastly believing that most of those who serve as state legislators are honestly doing what they believe is in the best interests of their constituents and their state, and are thereby deserving of respect; and

WHEREAS, While Dick Morgan's career as a legislative advocate spanned 33 years and took him to 28 state legislatures, he was always proud to say that he found Nevada's legislative system to be more open and accessible to the public than any other that he had encountered; and

WHEREAS, The State of Nevada lost an honorable man on December 11, 1999, but his legacy will continue with the memory of his deep desire to bring public respect and

understanding to the legislative process and to the persons who serve their state as legislators; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature hereby express their sincere condolences to the family and many friends of Dick Morgan; and be it further

RESOLVED, That the Nevada Legislature honors the important contributions of Richard L. Morgan and finds inspiration in his singular example of coaching his pupils, his children, his colleagues, and legislators across this country to rise to their own personal bests; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Dick Morgan's loving wife of 47 years, Barbara Morgan.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Carpenter, Dini, Gibbons, Giunchigliani, Humke, Ohrenschall, Collins, Marvel, Manendo, Buckley, Price and Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Dick Morgan was someone I had the opportunity to first meet in my first year of teaching, when he, as Executive Director of the Nevada State Education Association, put on a workshop for teachers who would be concerned with the enforcement of contract language and teacher grievances. I was a first year teacher at a junior high school, and my colleagues felt it would be only fitting, being the new guy on the block, that I would have to go to the meeting because none of them felt they should have to go because they already knew it. Having heard Mr. Morgan's presentation, I became inspired to make a career change and stay in education rather than divert myself to what I thought was going to be a temporary career as a teacher. I became permanently a life-long teacher.

The contribution one individual makes to another can hardly be measured. How frequently life's paths cross. It's always an amazing thing to me. Mr. Morgan led me to believe that, indeed, we had a responsibility to look out for one another in our classrooms; that the purpose of an association was not just to bargain for more money, which is often characterized that way, but to look out for the welfare of children. The purpose of that association was to be concerned about the rights of children and the adults who teach in those classrooms, so that they might teach and not be concerned about the wherewithal to keep their families together. They knew they had a strong association and people like Dick Morgan there to look out for them.

When I was first elected to the Legislature, once again, I had the opportunity, to my great surprise, to see that Mr. Morgan was returning to Nevada, that his daughter, in fact, was an integral part of the legislative system. Immediately I felt a kinship bond that could not be broken. When Speaker Emeritus Dini asked me to chair the Judiciary Committee, I was greatly honored. On my very first day on that session in 1995, my colleagues from school had presented me with a gavel that was characterized as an apple. I brought it to committee and set it there and felt I would use it to gavel together the committee every day. Everybody recognized that it was unusual not to have an attorney sitting in that seat, especially with so many worthwhile, strong attorneys on that committee. Mr. Morgan calmly reminded me after committee that I need not bring the apple to committee again. No one had to be reminded that I was a teacher. We all knew it. Many times he asked me to "Please cut your comments shorter. Please, sit down so that we all might love you," was his constant refrain.

Though I have tried to take his message to heart many times, apparently I have failed to a certain degree in that regard. Dick Morgan was a competitor. Dick Morgan was the type of person who empowered people with the belief that they could make a difference. In requesting this small, little token, it is with heartfelt feeling that I look to the greatest generation, that great generation who made life easy for all of us. It's on those shoulders that we stand in order to see tomorrow, to make a difference today. Dick Morgan was that kind of person. He was always up for the game. Some of you know how much I enjoy these funny, ridiculous ties I wear. This morning when I looked in my closet, trying to find out what new and different tie I would wear,

whether it would be a baseball player or a golfer, I looked down and saw the tie with its goofy golfer on it and said, "That has to be a Dick Morgan tie." Dick Morgan would have appreciated a sense of humor, a sense of accomplishment, a sense of a competitiveness, but most of all, a sense that what we do every day makes a difference. For that, I think that this resolution should be adopted.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of ACR 30. Dick Morgan was my friend. Most of you might know I don't really get close to too many people other than my family. But, Dick Morgan, he was my friend and it's hard. I don't know how to put the words together that show the respect and admiration I had for this man. In Judiciary, he was always there in the same seat, so it's kind of difficult to not have him there this session. I will always remember him and especially want to thank him for giving us Kim.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I certainly rise in support of ACR 30. I started working with Dick when he was representing the teacher's union. I was chairing Government Affairs. What the heck does a guy from Yerington know about collective bargaining and grievance procedures and all that. You settle all the things like that out in the cow country, in those days, one way or the other with words or fists. One thing about him, he always made me think that I knew something. He would explain it to me, then I would have to have him come back and explain it to me again, again and again so that I finally got it in my head. We had a great working relationship. Sometimes we were on opposite sides. His last couple of sessions when he was representing the trial lawyers. I think I was on some kind of crusade like tort reform or something like that. I don't think it went too well with his employers, but he and I got along perfectly on the issue because we agreed to disagree early. He gave me a lot of inspiration too. Early on, when I was chairing Government Affairs, he said, "Why don't you come down to Tonopah. We are having an NSEA meeting down there. Come see how we operate." I drove down there and he had the Association present me with my "Friend of Education" award. I can't remember which year. We had quite a personal and working relationship. I watched Kim grow up. She's kind of like a daughter, actually, to me, because she has been here a long time and I've watched her mature into the outstanding attorney that she is. I've known his wife for a long time. It's just a wonderful relationship with him and his family. So I must say that I certainly miss him. He did a lot for the State of Nevada. He did a lot for the kids in this state. He did a lot for the people in this state because he fought for the people and that's what we miss: the quality guy that he was; his honesty and integrity; his willingness to do things for kids and people. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of a great hero and wonderful legislative advocate, Dick Morgan. I remember hearing one time Jacqueline Kennedy say that with all the accomplishments she and her late husband had made, she knew where her real legacy would be based, and she would be judged by the way she raised her children. I think that is the legacy that Dick Morgan left. He left us, this body, with a Nevada treasure, his wonderful daughter Kim. And, I guess, he had enough to pass around because he gave Oklahoma a great physician in Randy.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Unlike my colleague from Sparks, I'll attempt to learn from Mr. Morgan and keep this somewhat brief. My husband, when I first met him, actually gave me the history of NSEA. Two names that had come up at that time were Dick Morgan and Dick Vanderwoody. I think they had struggled through the whole Dodge Act that the Speaker Emeritus had referred to. But really, in my mind, what Gary tried to convey to me, was really Mr. Morgan's humanity. He always felt very touched in having the wonderful opportunity in having met your dad. When I had the opportunity to serve here, I met him. Probably one of the first people I met in the halls. I have to tell you, the warmth and idealism and the kind and tender

smiles will be what I will always remember about him. As my colleague just said, he passed that on to his family and thank you very much for sharing him with us.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of ACR 30. I would only second the remarks that many of the members have made about Mr. Morgan. I was not aware that he had put on a uniform twice for the United States Army to serve our country. We all thank him for that. I remember from my service on the Judiciary Committee one trait he exercised nearly daily. That was, regardless of the issue, when we sometimes got bogged down in discussing issues he always brought order from that chaos. I remember especially his voice, his voice was as smooth as malted milk. It was a joy to listen to him. I also thank him for the family trait that he passed on, which was his exquisite graciousness and kindness. Thank you, Mr. Speaker.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of ACR 30. I'll try to keep it very brief. It was my privilege and a learning experience to know Dick Morgan. I think we can just say that knowing his depth of knowledge, his kindness, his empathy, he was in every respect a gentleman who was proud of our state, our Legislature, and was so proud of his daughter, Kim.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. When I came here in 1993, I served on the Judiciary Committee and I've been on that committee every time I've been elected. One of the first persons that came up and spoke to me as a legislator was Dick Morgan. He was so kind. Many times afterwards in that first session he was so helpful to me. I knew coming up here this time to go in the new Judiciary Committee room would be different. It definitely has been a different committee without Dick Morgan there to guide our committee. Especially as an individual, I respected him as probably one of the greatest men or persons that ever lobbied in this building. He was just so honest and so caring to so many good people. He was so helpful in the many things we have done. I know there has been a difference this time without him being here. I acknowledge his family for the wonderful love you shared from that man to us. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of ACR 30. I'd like to convey to Kim and her family that I knew Dick when I was on the Tax Commission. Of course, he left the State of Nevada. But it was such a delight to have him come back to the state and work around these Legislative halls. I have to echo what my colleague from Elko said. He was one of the people around here that you truly regarded as our friend. He is one person that I truly and dearly miss. I want the family to know that. He was perhaps one of the finest gentleman that I've ever known in my life. He is truly, truly missed by many of us.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I rise in support of a true gentleman. He was soft spoken but he certainly knew his business. During my freshman year, I always used to look in the Judiciary Committee, and as my colleague from Elko County said, he would be in that same seat. He would pull that other chair forward and lean over and he would just watch and observe and take all those mental notes. Mr. Morgan had much confidence in the legislative process. He also had much confidence in people. One of the people he had confidence in was me. As a scared young freshman, he would always come up to me and put his arm around me, in a hugging fashion and say, "It's going to be okay. You are doing fine. Just keep up the good work." I owe him a debt of gratitude for his love and devotion to our state and to myself as someone who was trying to struggle along and fit in, in this process. For that, I will always thank him for his love and support and confidence. Thank you.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. Intelligent, full of integrity and strength, diligent, compassionate, these are but a few of Dick Morgan's attributes. All of the people for whom he labored benefited from him and his attributes. We will miss him. We will remember him and his legacy through

the halls of these buildings for years. Every time that Kim helps us make order out of chaos we will remember from whom she learned it.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. All of the memories that have been mentioned today are so true. Dick was as fine a person as we could ever deal with. Over the years, Dick had a great deal to do with making this body what it is today. You learn from folks that have been around, those you can talk to, and those who are as honest, kind, and loving to the whole system as Dick was. Like many of us have said, he left us his wonderful “baby” to help us carry on. This is a wonderful resolution and it is a privilege to be able to rise in support.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I share the challenge of the member from Elko in that I find myself unable to properly put into words what Dick meant to me. Everything that has been said this afternoon is true.

We all face new challenges in this process, whether it is as a freshman, in a new leadership position, or as a committee chair. Dick was the person that always gave me the confidence I needed to move on to a new challenge. As scary as a new challenge can be, he was the person that provided the calming effect. He was always so low-key that his demeanor alone provided the confidence that we all looked for. There are a number of very, very difficult decisions that we make in this body. Dick was the one that was always there, around the corner, in the hallway, in committee, or in your office providing that additional confidence that you were making the right decision.

Lastly, I would say that we all get compliments from many of the folks in this building. Some of them are self-serving, but with Dick you always knew that when you got a compliment it was sincere. His compliments were something that you could take to heart.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 30 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 31—Directing the Legislative Commission to conduct an interim study of issues related to the expansion of Internet commerce in Nevada.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assembly Concurrent Resolution No. 2.

Assemblywoman Cegavske moved the adoption of the resolution.

Remarks by Assemblywoman Cegavske.

Assemblyman Hettrick requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CEGAVSKE:

This resolution identifies inequities in health care, discusses the unequal medical treatment of men and women. It advocates for appropriate action to achieve improvement and equal access for women to quality health care. It identifies ways in which equal access may be achieved. Finally, the measure commends the Women in Government organization for its leadership in calling for action on these issues.

As we did at the luncheon, yesterday, we would like to dedicate this Resolution in the memory of Jan Evans and in the honor of Vivian Freeman for their dedication in support of health issues for Nevadans. I can't think of two legislators who deserve recognition more than these two. Whenever I think of health care issues in Nevada I think of Jan Evans and Vivian Freeman. I am reminded of the years they both spent on women's, men's, and children's health care. I want to thank them and commend them, so I do this in honor of them.

I would like to share a few statistics to give you a rationale of why this is so important. To all the men, I want to emphasize that you are sons, brothers, husbands, and fathers. I urge you to encourage your mothers, sisters, spouses, and daughters to learn about their health care needs. Women make between 70 and 90 percent of the health care decisions in American households, and spend almost two of every three healthcare dollars in America. Even though we make the decisions and spend the money—we neglect our own healthcare needs.

This resolution is designed to promote equality between men and women in health care. It is especially important to me as my mother was diagnosed with colon cancer and through early detection she is still alive today. She has also been diagnosed with Alzheimer's disease and my mother-in-law was diagnosed with breast cancer in the 1950s and again in the 1990s. The amazing thing for her was the drastic difference between the treatments for breast cancer in the '50s as compared to the '90s. Women are at higher risk for cardiovascular disease, osteoporosis, rheumatoid arthritis, and depression, among other conditions.

This resolution will make various changes to women's health care: make access to diagnostic procedures more equal; raise awareness of women's health care needs; increase the number of women covered by comprehensive health care insurance; increase and encourage education and research improving quality of care for women.

I urge your support. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblywoman Chowning moved that Senate Bill No. 77 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 74.

Bill read second time and ordered to third reading.

Senate Bill No. 159.

Bill read second time and ordered to third reading.

Senate Bill No. 161.

Bill read second time and ordered to third reading.

Senate Bill No. 304.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 350.

Bill read second time and ordered to third reading.

Senate Bill No. 373.

Bill read second time and ordered to third reading.

Senate Bill No. 470.

Bill read second time and ordered to third reading.

Senate Bill No. 512.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 17.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 17:

YEAS—38.

NAYS—None.

EXCUSED—Berman, McClain, Nolan, Tiffany—4.

Senate Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 113 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblywoman Chowning.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 118:

YEAS—38.

NAYS—None.

EXCUSED—Berman, McClain, Nolan, Tiffany—4.

Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblyman Gustavson.

Assemblyman Anderson moved that Senate Bill No. 233 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 155 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 27; Senate Bills Nos. 31, 60, 100, 110, 124, 152, 164, 282, 312, 334, 347 and 472; Senate Concurrent Resolutions Nos. 10, 36.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Jim Roberts, Ron Funk, Bill Bliss, Guy Farmer, Barbara Morgan, Kim Morgan, Randy Morgan and Wendell Newman.

On request of Assemblywoman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Cecile Walker, Mark Gray, Ampy Towery, Mario Quinonez, Jorge Palacios, April Leyva, Diamond Walker, Mahjestic Tolbert, Peggy Graham, Chantell Beecher, Maricruz Silva, Brandon Hawkins, Luis Alvarez, Job Wilder, Richard Vasquez, Demetre Smith, Lekyvian Sykes, Ilse Rodriguez, Vanessa Carter, Sierra Carter, Makolia Baldwin, Yadira Guerrero, Brian Pitts, Martha Rendon, Armando Lopez, Adrianna Rodriguez, Kevin James, Jeanise Davis, Jolene Montes, Giovanni Lozada, Nathan Baldwin, Elise Biddle, Melvin Lackey, Joe Perry, Kierra Washington, Gamar Benton, Paul Romero, Norma Montes, Javier Lanz, Fania Mendez, Edgar Grajeda, Leticia Gonzales, Kimberly Herrera, Rodrigo Carrillo, Kristal Leyva, Lizzette Leyva and Mayra Cervantes.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Holly, Dalton Kirkpatrick, Destiny Kirkpatrick, Cindy Autry, B.J. Autry, Sarah Kirkpatrick, Tara Kirkpatrick, Shantel Godines, Dominique Godines, Laura Autry, Brianna LaMannia, Page Siata, Shelby Walker, Katrina Krause, Lizzy Davies, Sherri Smelters, Ray Bendockry and Marilyn Kirkpatrick.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Janice Goodhue.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dominique Godines.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Jackson.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Andy Gonzalez, Cornelius Coleman, Chris Cuellar, Danny Diaz, Roman Dovbenko, Skylar Graves, Vanessa Guererro, Teresa Jordan, Daniela Montes, Iran Ortega, Ivan Ortega, Cristian Padilla, Rosa Pereira, Ludyn Perez, Jovani Perez, Vincent Smith, Maria Viado, Kyle Wheeler, Crystal Arias, Laura Hernandez, Kevin Overbey, John Wheeler, Francisco Perez, Kourtney Sheldon, Kay Cromeenes, Erica Fields, Tomas Porras, Amber Olmos, Caroline Hernandez, Kandace Schauer, Linda Shehata, Lisandra Bejarano, Michael DeLaFuente, Susan Pimentel, Nabil Vega, Sabir Philmon, Kasha Martinez, Tara Owens, Richard Hernandez, Jennifer Pelona, Justin Needham, Brittany Wellham, Jeffery Evans, Destiny Anderson, Shae'lon Holmes, Robbie Olmos, Norma Needham, Anita Coleman, Earline Henderson, Omar Aguilar, Tyler Baum, Michael Carratelli, Carlos Chavez, Margarita Cruz, Brooklyn Dugan, Royce Gonnelly, Judith Hernandez, Tanaya Kemahu, Jerome Lane, Yasmine Leyba, Candyce Magee, Ricardo Mungarro, Janely Perez, Lorenzo Smith, Anna Teran, Nancy Teran, Maria Uribe, Arshak Vartanyan, Samantha Peorich, Joshua Godwin, Cristal Hernandez, Dorothy Shelton, Jessica Potter, Jamie Garrett, Carla Cano, Dennis Mejia, Bryanna Chavez, Miguel Ramos, Brittanie White, Robyn Canoneo, Toni Cowley, Sophia Amezcua, Brandon Brown, Krystal Beveridge, Jazzmin Jackson, Alberto Castillo, Kiana Lin, Pii Muafono, Breanna Bra Mitchell, Osniel Figueroa, Priscilla Frezzia, Monica Gonzalez, Ana Godoy, Tammy Chavez, Bessie Cowley, Everett Scott, Jonathan Grayson, Elizabeth Forcado, Mia Moore, Vanessa Milanes, Denisse Pereyra, Devin Durr, Elmer Melendez, Jolyn Aley, Sara Alvarado, Brittany Dickson, Matthew Galloway, Patricia Jaramillo, Cynthia Reyes, Angel Gardner, Bayshawn Clark, Robyn Rasberry, DeVante Denson, Erika De La Vega and Rebecca Meyers.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Kris Segler.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 7, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 7, 2001

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Hear, O God, the earnest supplications of the members of this body, gathered for this sacred moment of prayer and deepen our feelings of unity and fellowship as we pray with them and for them. Give us wisdom to see that no good life comes without right discipline. Give us the grace to impose it upon ourselves, lest others do it for us. Help us to discipline our speech, that we may seek clarity rather than cleverness and sincerity instead of sarcasm. Help us to discipline our thinking and our actions that in this place people may see democracy at its best and us at our best for democracy. May You use us to these ends.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 30, 134, 149, 152.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 1, Amendment No. 574, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 28, 29, 30.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 421.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 421.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 569.

Bill read second time and ordered to third reading.

Assembly Bill No. 662.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 204 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman de Braga moved that Assembly Bill No. 199 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman de Braga.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 77 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Williams moved that Senate Bill No. 113 be taken from the Chief Clerk's desk and re-referred to the Committee on Education.

Remarks by Assemblyman Williams.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 15.

Bill read second time and ordered to third reading.

Senate Bill No. 32.

Bill read second time and ordered to third reading.

Senate Bill No. 36.

Assemblyman Anderson moved that Senate Bill No. 36 be taken from the Second Reading File and placed at the bottom of the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Senate Bill No. 114.

Bill read second time and ordered to third reading.

Senate Bill No. 248.

Bill read second time and ordered to third reading.

Senate Bill No. 264.

Bill read second time and ordered to third reading.

Senate Bill No. 323.

Bill read second time and ordered to third reading.

Senate Bill No. 374.

Bill read second time and ordered to third reading.

Senate Bill No. 409.

Bill read second time and ordered to third reading.

Senate Bill No. 414.

Bill read second time and ordered to third reading.

Senate Bill No. 501.

Bill read second time and ordered to third reading.

Senate Bill No. 525.

Bill read second time and ordered to third reading.

Senate Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 597.

Amend sec. 4, page 3, line 22, by deleting "subsection," and inserting "[subsection,] section,".

Amend sec. 4, page 3, by deleting lines 24 through 27 and inserting:

"2. The money in the account may be used for any".

Amend sec. 4, page 3, by deleting lines 37 through 39 and inserting:

"(d) Seventy percent of the amount of money in excess of \$100,000 remaining in the account at the end of each fiscal year, as determined based upon the accounting standards of the governing body controlling the law enforcement agency that are in place on March 1, 2001, must be distributed to".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by: Assembly Select Committee on Energy.

For: Assembly Bill No. 661.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 71st day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).

With the following Conditions:

May only be passed out of final committee of house of origin on or before May 10, 2001.

May only be passed out of house of origin on or before May 16, 2001.

May only be passed out of final committee of second house on or before May 26, 2001.

May only be passed out of second house on or before May 31, 2001.

Has been granted effective: May 4, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

GENERAL FILE AND THIRD READING

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 15:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblymen Claborn and Anderson.

Assemblyman Anderson moved that Assembly Bill No. 291 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion lost.

Roll call on Assembly Bill No. 291:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 291 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 74.

Bill read third time.

Remarks by Assemblywomen Tiffany and Freeman.

Roll call on Senate Bill No. 74:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 155:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblymen de Braga, Gibbons and Von Tobel.

Roll call on Senate Bill No. 159:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Carpenter—2.

Senate Bill No. 159 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Senate Bill No. 161:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Carpenter—2.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 304.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Senate Bill No. 304:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Carpenter—2.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 37.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 37.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Gibbons and Smith.

Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblywomen Parnell, Chowning and Koivisto.

Roll call on Senate Bill No. 318:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 350.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 350:

YEAS—40.

NAYS—Anderson.

EXCUSED—Carpenter.

Senate Bill No. 350 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 373.

Bill read third time.

Remarks by Assemblymen Dini and Collins.

Roll call on Senate Bill No. 373:

YEAS—40.

NAYS—Collins.

EXCUSED—Carpenter.

Senate Bill No. 373 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 38.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 38.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Ohrenschall, Anderson, Chowning, Gibbons, Hettrick, Goldwater, Perkins, Cegavske and Price.

Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 470.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 470:

YEAS—40.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Carpenter.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 512.

Bill read third time.

Remarks by Assemblymen Dini and Beers.

Potential conflict of interest declared by Assemblyman Beers.

Roll call on Senate Bill No. 512:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 512 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Joint Resolution No. 2:

YEAS—33.

NAYS—Buckley, Freeman, Goldwater, Koivisto, Leslie, Parnell, Perkins, Smith—8.

EXCUSED—Carpenter.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 667.

Amend sec. 5, page 5, by deleting line 4 and inserting: “the district attorney of Carson City or Douglas, Lyon, Storey or Washoe County, or any”.

Amend sec. 5, page 5, line 7, by deleting “such” and inserting “those”.

Amend sec. 5, page 5, by deleting line 9 and inserting: “treasurer of Carson City or Douglas, Lyon, Storey or Washoe County to create a fund for”.

Amend sec. 5, page 5, line 13, by deleting “such” and inserting “those”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblywoman Berman requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker pro Tempore. It is my pleasure today to announce there is a young lady in our presence who has become an adult on this date. She is Lindsey Nunn, the intern of Ms. Gibbons, and she is 21 today. Instead of going out to sample some of the things 21-year-olds can in our society, she has decided to spend the day here, with you, Mr. Speaker pro Tempore. She is excited about her day and there is a cake in the kitchen she would like to share with everyone. Please congratulate Lindsey on her birthday.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I just have to rise in recognition of Lindsey Nunn. I am turning this way so that she can read my lips, and I have to tell you she is pretty good, she can also read your lips a lot of the time. I want to wish her a very happy birthday. She is my hero. I went to Swope Middle School the other night and her sister was the main speaker. She talked about commitment and how people can affect your life and make a difference. She had us all in tears because she talked about the person who had made such a big difference in her life, her older sister, Lindsey Nunn. Lindsey has had unbelievable challenges in her life; she was born with no hearing. It is hard to imagine how it would be, never to hear music, never to hear the voice of your mother. Her mother said, "It took a long time for her to learn to talk, but now we can't shut her up." Lindsay is not with the usual intern program, but has come here at her own expense because she is very committed to good government. I hope someday she will take up the cause and run for public office because I do believe she would be a wonderful public servant. In spite of the obstacles in her life, Lindsey has done great things. We are very happy to have her here.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Johansson, Nils R. Johansson, Patricia A. McQuattie, Thomas T. McQuattie and Christopher T. McQuattie.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Pamm Ault, Carolyn Grant, Jennifer Wells, Shaylee Wells, Weslee Wells and Johnnn Wells.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to John Smith, Sean Smith and Steve Smith.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Sawyer and Jerri Strasser.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey Nunn.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Hughes.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Gray.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Avilla, Jan Pratt, Pam Tams, Barbara Thompson, Adam Avilla, Ryan Carlile, J.P. Inversin, Bo-Young Park, Mark Palmer, Ryan Thran, Alex York, Naomi Adams, Boshanna Elwing, Zach Tams, Jason Smith, Bill Sherman, Kyle Hodgkins, Joe Paschall, Josh Thompson, Crystal Rider, Brianna Johnson, Eun-Young Kim, Steve Lakin, Dave Timko, Heather Miller, Natalie Zumwalt, Patrick Hatchkiss, Paul Pedroza, Molly Parks, Lia Lucchesi, Chris Friederich, Hye-Ryun Kim and Nick Timko.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 8, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:56 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), May 8, 2001

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

When we are honestly perplexed and have to do something, and are not sure what to do, we need Your help, O God. In our choices let us not ask, "Will it work?" but rather, "Is it right?" In this prayer we reach up to You. May we find that You are reaching down to us, and may we believe that when we are willing to listen, You will speak. We wait on You, O God.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 11, 13, 38, 55, 62, 98, 100, 126, 148, 181, 203, 204, 290, 301, 310, 335, 406, 570, 621, 656; Assembly Joint Resolution No. 6; Senate Bill No. 569.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 642 to Senate Bill No. 203.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 569.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 204 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 525 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 680.

Amend section 1, page 1, line 3, by deleting "\$125,918" and inserting "\$109,918".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 676.

Amend section 1, page 1, line 11, by deleting "physician" and inserting: "physician, advanced practitioner of nursing".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 2001.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 569.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Assembly Bill No. 569:

YEAS—42.

NAYS—None.

Assembly Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 662.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 662:

YEAS—42.

NAYS—None.

Assembly Bill No. 662 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 15.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 15:

YEAS—42.

NAYS—None.

Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblymen McClain, Freeman, Parks, Anderson, Price and Humke.

Roll call on Senate Bill No. 32:

YEAS—42.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 77 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 414 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblymen Claborn, Manendo and Collins.

Assemblyman Manendo requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise in support of SB 36. I think it is a positive step when you can allocate some money into schools for library books. For the record, I wanted to see the money be given—first shot, first priority—to the disadvantaged, at risk schools. What I believe is going to happen is that the chairman of Senate Judiciary and myself are going to send a letter to the school districts asking that they give preference to those schools. Thank you, Mr. Speaker.

Roll call on Senate Bill No. 36:

YEAS—42.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblymen Williams and Buckley.

Roll call on Senate Bill No. 114:

YEAS—42.

NAYS—None.

Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 248.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 248:

YEAS—42.

NAYS—None.

Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 264.

Bill read third time.

Remarks by Assemblymen Chowning, Goldwater, Humke, Williams, Collins, Beers, Giunchigliani and Claborn.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 264:

YEAS—23.

NAYS—Arberry, Bache, Berman, Brown, Carpenter, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Leslie, Marvel, Parnell, Perkins, Smith, Tiffany, Williams—19.

Senate Bill No. 264 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 323.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Goldwater and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 323:

YEAS—42.

NAYS—None.

Senate Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 374:

YEAS—42.

NAYS—None.

Senate Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblymen Chowning and Collins.

Roll call on Senate Bill No. 409:

YEAS—21.

NAYS—Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Collins, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Koivisto, Leslie, Marvel, Parnell, Perkins, Smith, Tiffany, Williams—21.

Senate Bill No. 409 having failed to received a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 501.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 501:

YEAS—42.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:08 p.m.

ASSEMBLY IN SESSION

At 12:09 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblymen Dini, Hettrick, Anderson, Gustavson and Nolan.

Roll call on Senate Bill No. 77:

YEAS—37.

NAYS—Bache, Giunchigliani, Goldwater, Leslie, Perkins—5.

Senate Bill No. 77 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 414

Bill read third time.

Remarks by Assemblymen Chowning, Collins, Goldwater and Perkins.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. I felt I should rise and explain my opposition to these types of bills, at least for the record, once this session. We do have a number of license plates in our state, not all of them are the special license plates that are processed by our Transportation Committee. There are plates that honor our veterans, Pearl Harbor survivors; all are very, very worthy causes which I have no quarrel with. We have added UNR, UNLV plates, firefighters

plates, arts plates, Lake Tahoe plates, our own legislative plates. There are constitutional office plates, the blue plate, the silver plate, the new plate and the commemorative plate. Plates are everywhere.

Let me suggest that one of the reasons we have license plates for automobiles is to identify the automobile. We have gone beyond that. I understand this plate, at least as the potential design was shown to me, has many of the same colors—reds and oranges—as the current firefighter's plate. This makes it difficult to discern one plate from another. We have 50 states in this Union, the Canadian provinces, and the Mexican states—all of which are identified by a license plate or plates. Oftentimes an officer in the street is trying to identify a car with a felon, a crime committed, a stolen car, or just a routine traffic stop. It's not until you are very, very close, sometimes not even then, that you are able to identify the state, the type of plate, or the characters on that plate in order to provide safety for the officer. The information is then communicated to the dispatch center in order to identify who is in the vehicle. It is becoming more and more difficult to identify that vehicle for the safety of the officer. To me that is what the license plate was for, to identify a car with an owner.

The other difficulty we encounter is this has become more of a vanity or an identifier for what someone believes in or wants to do. There are a number of ways you can identify your automobile. You can create different placards to put on your automobile. I would submit to you and this body, Mr. Speaker pro Tempore, that identifying causes was never the reason for the license plate. Lastly, I think that when we look at all of the very honorable license plates we have, the very worthy causes, the folks that we originally wanted to honor—Pearl Harbor survivors and veterans—that adding more and more license plates diminishes the honorability of that particular designation. For all of these reasons I consistently vote against license plates, regardless of their cause or sponsor. Thank you, Mr. Speaker pro Tempore.

Assemblyman Parks moved that Senate Bill No. 414 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion lost on a division of the House.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:30 p.m.

ASSEMBLY IN SESSION

At 12:33 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 414 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assemblyman Anderson moved that Senate Bill No. 233 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Anderson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 664—AN ACT relating to education; changing the number of members of the state board of education; revising the districts from which members of the state board of education are elected; changing the number of members of the board of regents; revising the districts from which members of the board of regents are elected; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 665—AN ACT relating to elections; revising the districts from which members of the state legislature are elected; revising the districts from which representatives in congress are elected; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Cegavske requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. It is my pleasure to introduce to you two of my good friends, Chuck and Carol Phillips. They have been in Las Vegas for nine years. They came from Wisconsin where Chuck was a lobbyist for several non-profit organizations. He represented education, religious groups, charities and hospitals. Carol was a registered nurse. In Wisconsin she developed the Senior Program at St. Mary's Hospital. They lived in my district for several years, have since moved to Summerlin and reside in District 4. It was interesting to hear Chuck talk a little bit about the differences in Wisconsin. They have 99 members in their Assembly, no lobbyists are allowed on the Floor, and it is very noisy in the chambers. Their Assembly is not required to wear suits; however, the Senate must. Please make them feel welcome.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 30, 134, 149, 152; Assembly Concurrent Resolutions Nos. 28, 29, 30; Senate Bills Nos. 17, 45, 50, 52, 118, 203, 281, 300; Senate Joint Resolution No. 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Phillips and Carol Phillips.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Patti Gutierrez.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Beau Cassidy and Sue Cassidy.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Sprinkle.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Brittney Bateman, Ashley Ehret, Matthew Englert, Gabriel Espinoza, Gaston Gordon, Brittney Griesse, Joshua Healea, Charly Mapes, Maria Markos, Joseph Munoz, Samuel Screnock, Natalie Timpson, Velislav Tzakov, Alaura Walzak, Travis Knight, Shawn Willis, Sam Scolari, Cody Robinson, Nina Musillo, Taylor Burke, Samantha Muro, Alexander Beard, Jovanna Blankevoort, Mark Bricker, Christopher Donnelly, Daniel Efargan, Viliame Evans, Jovan Hernandez, Ryan Kilseimer, Erika Larson, Gabrielle Maheras, Michael McNinch, Sadie Mims, Stefany Mitrevski, Andrea O'Shea, Elizabeth Orozco, Kacie Pedraja, Casey Petty, Aisha Ratanapool, Jonathan Sha, William Slagle, Patricia Cooper, Cami Scolari, Earlene Beard, Laura Timpson, Lois Muro, Cindy Mapes, Paul Bateman, Carin McCameron, Elizabeth Orozco, Patti Mims, Lynn Kilseimer, Kimberly Donnelly, Rose Bricker, Anthony Ulintz, Cheryl Ingram.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 9, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:41 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 9, 2001

Assembly called to order at 11:22 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

We know, our Father that there is a time to speak and a time to keep silent. Help us to tell the one from the other. When we should speak, give us the courage of our convictions. When we should keep silent, restrain us from speaking, lest, in our desire to appear wise, we give ourselves away. Teach us the sacraments of silence that we may use them to know ourselves and, above all, to know You. Then shall we be wise. Through Jesus Christ our Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 75, 125, 200, 201, 225, 306, 541, 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 20, 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Arberry, Anderson, Angle, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell,

Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Neal, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 32—Memorializing former Assemblyman and civil rights leader, Woodrow Wilson.

WHEREAS, The members of the Nevada Legislature were deeply saddened by the death on December 25, 1999, of former Assemblyman Woodrow Wilson; and

WHEREAS, Woodrow Wilson was born in Morton, Mississippi, on August 28, 1915, and moved to Las Vegas in 1942; and

WHEREAS, Woodrow Wilson graduated from Piney Woods Junior College in Mississippi in 1934, after working his way through school by playing semiprofessional baseball; and

WHEREAS, After arriving in Las Vegas, Woodrow Wilson began working for American Potash and Chemical Corporation, now Kerr-McGee Chemical Corporation, and was employed there for 38 years, retiring as a foreman; and

WHEREAS, Woodrow Wilson served as President of the Las Vegas Chapter of the National Association for the Advancement of Colored People and was appointed in 1957 to serve as Chairman of the Nevada State Advisory Committee for the U.S. Commission on Civil Rights; and

WHEREAS, In 1966, Woodrow Wilson was elected to the Assembly, becoming the first African American to be elected to the Nevada Legislature; and

WHEREAS, As a Legislator for three terms, Woodrow Wilson was credited with pushing through the Nevada Fair Housing Law that outlawed discriminatory practices in the sale of homes, and he helped pass legislation that mandated fair employment practices, vocational education and improved benefits for injured workers; and

WHEREAS, Woodrow Wilson served as Chairman of the Nevada Equal Rights Commission and was a member of the Nevada State Commission on Crime, Delinquency and Correction, Clark County Commission, Clark County Economic Opportunity Board, Executive Board of the Boulder Dam Area Council, Boy Scouts of America, Las Vegas Kiwanis Club and Board of Trustees of the United Way of Clark County; and

WHEREAS, Woodrow Wilson was honored in 1971 as a Distinguished Nevadan by the University of Nevada, Las Vegas, and in 1982, he received the Jack of Hearts award, which recognizes outstanding service to the Republican Party and the community; and

WHEREAS, Woodrow Wilson was the co-founder of the Westside Federal Credit Union and worked as its treasurer-manager for 42 years, remaining on its Board of Directors until his death; and

WHEREAS, Woodrow Wilson's daughter JoAnn Connors paid tribute to her father by describing him as "a civil rights leader, freedom fighter, community leader, bank founder and equal rights organizer"; and

WHEREAS, Woodrow Wilson gained the admiration and respect of Nevadans for his lifelong commitment to the protection of equal rights of all Americans, regardless of color; and

WHEREAS, Woodrow Wilson is survived by his wife, Addie Mae, son, Carl Wilson, daughters, JoAnn Connors, Rose Berry, Janice Murray, Casandra Berry and Stephanie Lowery, all of Las Vegas, sister, Ollie Savage of Hawthorne, California, brother, O'Dell Nicholes of Las Vegas, and several grandchildren and great-grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature note the loss of Assemblyman Woodrow Wilson with profound sorrow; and be it further

RESOLVED, That Woodrow Wilson will long be remembered as a man who fought hard for equal justice for all and dedicated his life to helping Blacks throughout the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Woodrow Wilson's loving wife, Addie Mae.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblymen Arberry, Ohrenschall, Gibbons, Collins and Dini.

Assemblyman Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I'm honored today to be able to stand before this body in recognizing a leader in our community known as "Woody." As a young man growing up just five houses away from Woodrow Wilson, I watched him many, many days pass my parent's home. He always had a brand new Cadillac. He was always cruising in his car with a nice brim and he was always known to be a snazzy dresser. Woody was a hard worker in the community and he represented us very well. Being the Assemblyman from District 7, he was the first African American that came before this body. I was talking to the lady sitting next to me and she said that she was here when Woody was serving and, I tell you, it seems just like yesterday. It was a great loss to lose Woody.

Woody and I also attended the same church, which was the Second Baptist. As I grew up, I never thought I would be standing up in this House and I think he was pretty much shocked himself because I was the bad little boy who threw rocks at his Cadillac. He didn't take too well to that. Mr. Speaker, I'm not saying too much about Woody, but he was the first to see Democrats and Republicans to come together, when he switched from a Democrat to become a Republican. The Democrats came out to support the Republican. We did not have too many black Republicans at that time. We thought we were going to have an uphill fight for the seat he was trying to achieve. He was so well liked in the community, that when he did become Republican, it didn't matter. All of us knew he would represent us all as a Republican, as he did when he was a Democrat. I just wanted to say that Woody will always be missed and he will always be recognized as one of the key leaders of the community. Thank you, Mr. Speaker.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of ACR 32. I knew Woodrow Wilson for many years when he ran the Westside Federal Credit Union. I ran the legal clinic for Westside Federal Credit Union for all the members there. I think one of the things he understood, that a lot of people perhaps haven't, is that in our fights to achieve equality in this country what is important is financial empowerment. When he brought that credit union into the West Side, the African American community of Las Vegas, what he was saying was, "Hey, we have a right to have credit, too—we people who live here." By doing that, he opened a lot of doors for an awful lot of people. He was a wonderful person. He knew no difference of any human being: white, black, Democrat, Republican, whatever their religion. He set an example that many, many people will have to work very hard to equal.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of this resolution honoring Woodrow Wilson. I guess, for the majority of those in this body, he was "your" kind of Democrat. For me, he was my kind of Republican. I think it's very clear by his stand and how he fought so hard for all people and for people of all colors. He was a great man of integrity and I am very pleased we are honoring him. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I rise in support, too, of the resolution honoring Mr. Wilson. He helped my neighborhood; he helped the kids in my neighborhood. It was good for our community. He helped my mom and a lot of issues when she was a foster parent and active in the community. When he switched parties it did not matter. He was a good guy and one that definitely did a lot of good things. I just wanted to show my support. Thank you.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I rise in support of the resolution. Woody and I came in here together in 1967 in our first session together. He was a great leader. He did a lot of good things for the African American community, but he did a lot of good things for the State of Nevada as

well. He fought hard for what he believed in. It is certainly my privilege to have served with him and to have called him a friend of mine.

Resolution adopted unanimously.

Assemblyman Arberry moved that all rules be suspended and that Assembly Concurrent Resolution No. 32 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 1.

The following Senate Amendment was read:

Amendment No. 574.

Amend section 1, page 1, by deleting line 4 and inserting: “*and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240.*”.

Amend the title of the bill by deleting the second and third lines and inserting:

“provided under the direction and supervision of a chief nurse; prescribing the qualifications of a chief nurse; revising provisions”.

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 1.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Bache, Anderson, Angle, Arberry, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Shaffer, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 33—Designating May 20 through May 26, 2001, as U.S. Merchant Marine and U.S. Navy Armed Guard Remembrance Week.

WHEREAS, The U.S. Merchant Marine has faithfully served our country in times of war and peace, transporting troops, weaponry, supplies and equipment to every corner of the world; and

WHEREAS, The Merchant Marine has helped win wars and maintain peace by providing necessary materials, food and supplies to assist many other nations in rebuilding their countries and economies; and

WHEREAS, During World War II, the Merchant Marine transported troops and delivered 75 percent of all military equipment and supplies to battle fronts throughout the world in the face of

attacks by the enemy and violent seas, without the benefit of sonar equipment to enable them to detect the enemy; and

WHEREAS, Of the relatively small volunteer force of about 250,000 during World War II, at least 8,651 Merchant Mariners were killed at sea, over 11,000 were wounded with 1,100 dying from wounds, and 604 were taken as prisoners of war of whom 61 died in POW camps; and

WHEREAS, For their heroic efforts during World War II, President Franklin Delano Roosevelt recognized the Merchant Mariners as an essential part of the history of the country's sea power and said the Mariners "have written one of its most brilliant chapters. They have delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult and dangerous job ever undertaken. As time goes on, there will be greater public understanding of our merchant's fleet record during this war"; and

WHEREAS, The U.S. Navy Armed Guard was established to protect the Merchant Marine ships from enemy ships, aircraft and submarines by providing gunnery protection and communication services; and

WHEREAS, Many of the members of the Navy Armed Guard had never seen the ocean before being assigned to a Merchant Marine ship, yet they served side-by-side with the Mariners under difficult and extremely dangerous circumstances, often without a doctor on board the ship; and

WHEREAS, The U.S. Merchant Marine and the U.S. Navy Armed Guard worked as a team to provide a vital link between our fighting forces overseas and the home front, each suffering one of the highest ratios of death among the armed services in World War II, with many being lost at sea, their fates unknown; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislature does hereby designate May 20 through May 26, 2001, as U.S. Merchant Marine and U.S. Navy Armed Guard Remembrance Week; and be it further

RESOLVED, That the Legislature encourages all Nevadans to join in this observance, to coincide with National Maritime Day on May 22; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Bill Erin, Secretary of the Las Vegas Chapter of the American Merchant Marine Veterans, for appropriate distribution to all Nevada media and interested organizations.

Assemblyman Bache moved the adoption of the resolution.

Remarks by Assemblymen Bache and Neighbors.

Assemblyman Collins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. As the resolution points out, the Merchant Marine and U.S. Navy Armed Guard Remembrance Week is the 20th through the 26th of May. The contributions to our country, particularly during World War II, of the Merchant Marines and the U. S. Navy Armed Guard is extremely important. Without their help we might not have been able to win World War II. I know we have colleagues here who could probably testify to that firsthand. I thank you.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. I rise in support of ACR 33. I just heard a few weeks ago that this resolution was going to be heard this session. I was both pleased and surprised. Pleased, because I'm sure everyone had heard about the fantastic job the Merchant Marine had done, but a little surprised because of the Armed Guard. I know that, as a Navy person, people would ask, "What's an Armed Guard?" As indicated in the resolution, most of the armed guards were made up of about eight or ten, usually very junior sailors, who had training in gunnery; and, if you were lucky, sometimes you might have one very junior officer on board with you.

At the risk of dating myself, although I left the Navy after the Korean War as a Navy pilot, my very first tour of duty in the Navy was as an apprentice seaman in the Armed Guard. I don't know if anyone knows what an apprentice seaman is, but that's about the lowest grade you can start out as in the Navy. To show you how badly they needed bodies in those days I would point out that we are here 120 days; my buddies and I joined in Seattle—within 120 days we had been

through boot camp in Chicago and had been through gunnery school in Little Creek, Virginia. We had been assigned to a ship at the Brooklyn, New York Navy Yard called the “Slaughter Dike.” We were all very young and that name got our attention. We had made a tour into some very troubled waters and got home, all within 120 days. Well, when we got back, I was assigned to flight training. My buddies went to another Merchant ship. They are going to have their reunion this year and although I’ve never been able to make any of those reunions, they certainly will get a copy of this resolution from the State of Nevada. I urge your support.

I might add that when they talk about the Merchant ships, some of those Liberty ships were actually launched and put into service in less than 30 days. In many cases, they wouldn’t even outrun the U-boats. They used to have to zigzag into those areas just to throw off the submarine commanders as far as getting a fix on your relative motion. I urge your support. I think this is a great resolution. Thank you.

Resolution adopted unanimously.

Assemblyman Bache moved that all rules be suspended and that Assembly Concurrent Resolution No. 33 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Bill No. 54.

Assemblywoman Chowning moved that Senate Bill No. 54 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Senate Bill No. 394.

Bill read second time and ordered to third reading.

Senate Bill No. 517.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 237.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 237:

YEAS—42.

NAYS—None.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 204.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 204:

YEAS—42.

NAYS—None.

Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 233:

YEAS—42.

NAYS—None.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 414.

Bill read third time.

Remarks by Assemblymen Chowning, Carpenter, Parks, Ohrenschall, Giunchigliani and Beers.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 414:

YEAS—37.

NAYS—Bache, Giunchigliani, Goldwater, Leslie, Perkins—5.

Senate Bill No. 414 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 272, 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 40.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 41.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 39.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Hettrick.

Assemblyman Parks requested the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

We want to make special recognition of this historic event. My dad came to America in 1911. He came through Dayton on the way to Yerington and Smith Valley, where he worked as a young boy of fifteen years of age, in the potato fields. He worked for Ambrose Ashey, picking potatoes for fifty cents a day, from sunup to sundown. His foreman taught him how to speak English while he was working out there.

There's a lot of history involved in Dayton, Genoa, and Carson City. It's a great history involved in Nevada's history. We know that a lot of good people came to these areas and the history of Dayton is especially memorable to me, personally because of the events that happened there in that community. The fact is, they accuse Yerington of burning the courthouse down a few years back so that we could have the county seat moved from Dayton to Yerington. I don't think that's true. I think it just burned down. However, there's a rich history here. My distinguished colleague from Gardnerville and I have a long term battle going here because I think Dayton is the oldest community in the state and he thinks Genoa is. That battle will continue to go on for many, many more centuries between us.

This is a great area. The Comstock, the area of Genoa and all these areas, like Carson City. They really represent the long-term history of our state. I just stand in support of the resolution.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, rise in support of SCR 39. I appreciate the comments from the Speaker Emeritus. Perhaps you remember two years ago there was another resolution, as I recall, trying to determine or recognize the oldest permanent settlement. There has been a great deal of debate between the two communities. A good-natured debate, but serious at the same time. I guess I would point out that Genoa and Douglas County are indeed in Assembly District 39, so I find it particularly appropriate that this is SCR 39. I would indicate that probably has some hidden meaning as to the real value of which community is the oldest, but I won't claim that. In any case, this is a meaningful resolution because we are very proud of the heritage of Nevada. I'm not a native Nevadan but I can assure you I have the pride of any native Nevadan about our history and about the uniqueness of this state. I think the three communities recognized in this resolution deserve a great deal of credit for what Nevada is today. I urge all my colleagues to support SCR 39. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 40.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Goldwater, Anderson, Collins, Price and Dini.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 41.

Assemblyman Brown moved the adoption of the resolution.

Remarks by Assemblymen Brown, Koivisto, Berman and Carpenter.

Assemblyman Parks requested that the following remarks be placed in the Journal.

ASSEMBLYMAN BROWN:

Thank you, Mr. Speaker. In the State of Nevada, alone, there are an estimated 35,000 residents who suffer from Alzheimer's. This number will likely increase over the next few years because Nevada has the fastest growing senior population in the country. Currently, 4 million people in the United States have Alzheimer's, and 19 million say they have a family member that suffers from the disease. Statistically, one in ten individuals of the age of 65 suffer from Alzheimer's. The symptoms of this disease can start to occur twenty years before any noticeable symptoms appear in an individual. The average lifetime cost of Alzheimer's disease per person is \$174,000. Seven in ten people with the disease live at home. While family and friends provide almost 75 percent of home care, the average annual cost of paid care for people with Alzheimer's disease at home is \$12,500. Medicare pays 70 percent more on Alzheimer's patients than they do on average patients that do not have a cognitive disorder. At least half of all nursing home residents have Alzheimer's disease or another dementia. The average annual cost of Alzheimer's nursing home care is \$42,000 but exceeds \$70,000 in some areas. Medicaid pays over half of the total nursing home bill and helps two out of three residents pay their care.

ASSEMBLYWOMAN KOIVISTO:

Thank you, Mr. Speaker. I rise in support of SCR 41. I think we all know the rapid growth of that segment of the population in the State of Nevada. I think it is important that we become aware and, we do everything we can to raise the awareness of the rest of the citizens of this State of the importance of this disease and the impact that it has. Thank you.

ASSEMBLYWOMAN BERMAN:

Thank you, Mr. Speaker. I also rise in support of this motion today. I would like to introduce Phyllis Montavon, past executive director of the Alzheimer's Board, and as a board member she did a great job. Today Phyllis is working at the Alzheimer's Disease, Diagnostic, and Treatment Center at the University of Nevada School of Medicine. Treatment for the disease has progressed slowly, but research continues to give those of us who deal with it on a daily basis some hope. Reminyl is the newest drug on the market. It is not the cure; it only slows the disease. We need to support our researchers, those afflicted with the slowly progressive disease, and the caregivers who are here today with us. These caregivers lovingly care for family members and friends who have no foreseeable cure for Alzheimer's. With the new genetic research, I hope that scientists will give us insight into the blueprint for a cure to this horrible disease.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of SCR 41. My children, especially my grandchildren, accuse me of having the big "A." On a more serious note, my father-in-law had this terrible disease. One of the greatest tragedies is that Medicare does not take care of these people. I have a great friend of mine who had to go on Medicaid because Medicare would not stand any of the bills. Now they are taking my friend's home. I believe that we need to work to have Medicare take care of Alzheimer's patients. They talk about reforming Medicare, but the real tragedy is Medicare not covering Alzheimer's.

Resolution adopted unanimously.

REMARKS FROM THE FLOOR

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HETTRICK:

Mr. Speaker, the Governor has declared today as State Employee Recognition Day and he has issued a short proclamation and asked that I read it:

“State employees deserve recognition for their dedication to public service. On a daily basis, state employees demonstrate initiative, creativity, and expertise in the fields of business, education, environmental protection, health care, natural resources, and public safety. This service and sacrifice makes a positive and lasting impact on the lives of many people.

State employees exhibit dedication and professionalism in their work. During the recent fundamental review process, state employees were at the forefront of efforts to streamline procedures and improve the services provided to the people of our state. While this hard work may have gone unnoticed by some, these efforts went beyond the usual level of service.

On behalf of everyone who lives in or visits our state, thank you for a job well done. You are making Nevada an even better place to live, work and raise a family.

Now, therefore, I, Kenny C. Guinn, Governor of the State of Nevada, do hereby proclaim May 9, 2001, as “State Employee Recognition Day.”

I would suggest that we all join in adding our appreciation to state employees, throughout the state, who work hard daily and do not get enough recognition.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN PARNELL:

Thank you, Mr. Speaker. I, too, would like to join and thank the Assembly member from Douglas County and the Governor for recognizing the importance of our state employees. I represent many state employees. I am proud to represent them, and as often as I can in my contacts with them, I try to let them know that we would not be able to make it without their hard work and dedication. They certainly deserve every bit of recognition that any of us can give them. I applaud the Governor’s effort to proclaim this day in their honor.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in recognition of the proclamation that was read by our colleague from Assembly District 39 to recognize state employees. It is surely not our intent to overlook their contributions, but we surely do a very poor job of saying more than just a mere thanks for the continuing operation of this state. I think we should take every opportunity to thank them. They deserve this, because without them the state would clearly fall flat on its face.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 11, 13, 38, 55, 62, 98, 100, 126, 148, 181, 203, 204, 290, 301, 310, 335, 406, 570, 621, 656; Assembly Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Erin and Joe Dazzo.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Phyllis Montavon.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Don Hauth and Nancy Haraisa.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay McCue.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Pickett.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sten Miles.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Yolanda Garcia.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Blut and Jackie Boudreau.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Sanada.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Helm, Shirley Swafford, Louise Nunes, Edie Grub, Leslie Sexton, Jean Bondiott, Barbara McGehee, Ellen Nelson, Pat Fladager, Mabel Mayes, Ida Roelke, Rosemarie Price and Kay Elverum.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara McGehee and Dennis Green.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 11, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:49 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 11, 2001

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Buckley and Collins, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Forbid it, Lord, that “we should walk through your beautiful world with unseeing eyes.” Forgive us, our Father, for taking our good things for granted, so that we are in danger of losing the fine art of appreciation. With such dire need in every other part of the world, make us so grateful for the bounties we enjoy that we shall try, by Your help, to deserve them more. Where we are wrong, make us willing to change, and where we are right, make us easy to live with. In Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Manendo moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 88, 183, 231, 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 179, 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 520, 521, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 155.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 7, 32, 33; Senate Concurrent Resolution No. 24.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 367.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by: Assembly Select Committee on Energy.

For: Assembly Bill No. 661.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 71st day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).

With the following Conditions:

May only be passed out of house of origin on or before May 18, 2001.

May only be passed out of final committee of second house on or before May 26, 2001.

May only be passed out of second house on or before May 31, 2001.

Has been granted effective: May 11, 2001

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

Senate Concurrent Resolution No. 24.

Assemblyman Parks moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 367.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 20.

Bill read second time and ordered to third reading.

Senate Bill No. 75.

Bill read second time and ordered to third reading.

Senate Bill No. 125.

Bill read second time and ordered to third reading.

Senate Bill No. 172.

Bill read second time and ordered to third reading.

Senate Bill No. 200.

Bill read second time and ordered to third reading.

Senate Bill No. 201.

Bill read second time and ordered to third reading.

Senate Bill No. 225.

Bill read second time and ordered to third reading.

Senate Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 696.

Amend section 1, page 1, line 5, before “*employment.*” by inserting “*certain*”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 306.

Bill read second time and ordered to third reading.

Assemblyman Bache moved that Assembly Bill No. 306 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that Assembly Bill No. 199 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman de Braga.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 697.

Amend section 1, page 2, line 23, by deleting "60" and inserting "50".

Amend sec. 4, page 10, line 18, by deleting "60" and inserting "50".

Amend sec. 5, page 11, line 43, by deleting "60" and inserting "50".

Amend sec. 7, page 14, line 1, by deleting "60" and inserting "50".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 541.

Bill read second time and ordered to third reading.

Senate Bill No. 555.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Senate Bills Nos. 46, 394 and 517 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 199.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 691.

Amend sec. 12, page 5, by deleting line 41 and inserting:

“3. State trout stamps must be sold for a fee of [\$5] \$10 each by the division”.

Amend sec. 12, page 5, by deleting lines 43 and 44 and inserting “trapping licenses.”.

Amend the bill as a whole by deleting sec. 15 and renumbering sec. 16 as sec. 15.

Amend sec. 16, page 6, line 26, by deleting “15,” and inserting “14,”.

Amend the title of the bill by deleting the sixth and seventh lines and inserting:

“governing the issuance of duplicates of certain licenses; increasing the fee for a state trout stamp and creating a”.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Barngrover.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Marcy Troesch.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Pam French, Tracy Gruber, Ally Jensen, Linda Gilkerson, Fred Krull, Riley Gruber, Neal Gruber, Patrick Luzzi, Julie Ornellas, Dave Cudney, Robert Nichols, Daniel Allen, Thomas Asher, Steven Sandborn, Jackson Cudney, Nancy Duarte-Gonzalez, Jon Gilkerson, Skylar Edwards, Ben Embury, Terrell Frued-McKnight, Eric Porfido, Alex Kallas, Kenny Krull, Krystal Lera, Neil Luzzi, Jordan Ornellas, Garret Over, Kevin Paulsen, Jake Raichle, Jordan Rivera, Rebecca Schweigert, Devyn Weatherbee, Lacee Shupe, Jessica Reeves, Nick Barette, Amanda Boyd, Brenda Boyd, Michael Cox, Jessica Dairs, Daniel Doan,

Meghan Elliott, Ryan Frueh, Josh Godfrey, Zach Hughes, Kevin Johnston, Gen Lengdorfer, Sage Lyons, Joanna Melara, Nick Mortinson, Rocket Neceubauer, Joey Newcomb, Michele Nikkels, Emily Phillips, Jacob Pruitt, Dustin Robertson, Travis Sawin, Raylene Simons, Jessica Sauder, Cody Tinker, Tristan Brandt, Lexy Foster, Jessica Sims, Chris Weatherbee, Denise Buell, Mark Lera and Marilyn Ficenc.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Garoutte, Chuck Pluff, Michelle Swithinbank, Karen Araiza, Frank Brawdy, Abel Centeno, Jeremy Daniels, Edison Diaz, Zachary Dickson, Gloria Fisher, Shane Fish, Sunny Godkin, Victor Hernandez, DJ Herrera, Jose Jimenez, Sabrina Johnson, CJ Malone, Raquel Monserrat, Joshua Moore-Lewis, Jacob Newhuntut, Angelica Ponce, Michael Robb, Rosa Rojas, Britni Sanders, Monica Varela, William Workman and K.C. Holloway.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 14, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:50 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 14, 2001

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Tiffany and Williams, who were excused.

Prayer by the Chaplain, Captain Steve Mitchell.

Heavenly Father, we invite You into this gathering to be a vital aspect of all that will transpire here today. We ask for Your guidance and counsel to accomplish everything that needs to be done in a timely and productive manner. Assist all present with Your divine wisdom so that there might be true reality in the words of our lips and in the thoughts of our hearts. May Your blessings be upon us so that humanity might be served and You might be honored and exalted. We ask these things in Your precious name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 123, 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 561, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 329, 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 197, 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 505.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 560.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 505.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 560.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 488 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 679.

Amend sec. 2, page 2, line 13, by deleting “or psychologist”.

Amend sec. 3, page 3, line 36, after “loss;” by deleting “and”.

Amend sec. 3, page 3, line 41, by deleting “1.” and inserting:

“1; and

(c) For a proposed ward who is an adult, finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this state which states that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.”.

Amend sec. 3, page 4, line 10, after “if” by inserting:
“the proposed ward is a minor and”.

Amend sec. 3, page 4, line 14, after “days.” by inserting:
“Except as otherwise provided in subsection 7, if the proposed ward is an adult, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.”.

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. NRS 41.200 is hereby amended to read as follows:

41.200 1. If an unemancipated minor has a disputed claim for money against a third person, either parent, or if the parents of the minor are living separate and apart, then the custodial parent, or if no custodial award has been

made, the parent with whom the minor is living, or if a general guardian or guardian of the estate of the minor has been appointed, then that guardian, has the right to compromise the claim. Such a compromise is not effective until it is approved by the district court of the county where the minor resides, or if the minor is not a resident of the State of Nevada, then by the district court of the county where the claim was incurred, upon a verified petition in writing, regularly filed with the court.

2. The petition must set forth:

(a) The name, age and residence of the minor;

(b) The facts which bring the minor within the purview of this section, including:

(1) The circumstances which make it a disputed claim for money;

(2) The name of the third person against whom the claim is made; and

(3) If the claim is the result of an accident, the date, place and facts of the accident;

(c) The names and residence of the parents or the legal guardian of the minor;

(d) The name and residence of the person or persons having physical custody or control of the minor;

(e) The name and residence of the petitioner and the relationship of the petitioner to the minor;

(f) The total amount of the proceeds of the proposed compromise and the apportionment of those proceeds, including the amount to be used for:

(1) Attorney's fees and whether the attorney's fees are fixed or contingent fees, and if the attorney's fees are contingent fees the percentage of the proceeds to be paid as attorney's fees;

(2) Medical expenses; and

(3) Other expenses,

and whether these fees and expenses are to be deducted before or after the calculation of any contingency fee;

(g) Whether the petitioner believes the acceptance of this compromise is in the best interest of the minor; and

(h) That the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise.

3. If the claim involves a personal injury suffered by the minor, the petitioner must submit all relevant medical and health care records to the court at the compromise hearing. The records must include documentation of:

(a) The injury, prognosis, treatment and progress of recovery of the minor; and

(b) The amount of medical expenses incurred to date, the nature and amount of medical expenses which have been paid and by whom, any amount owing for medical expenses and an estimate of the amount of medical expenses which may be incurred in the future.

4. If the court approves the compromise of the claim of the minor, the court must direct the money to be paid to the father, mother or guardian of the minor, with or without the filing of any bond, or it must require a general guardian or guardian ad litem to be appointed and the money to be paid to the guardian or guardian ad litem, with or without a bond, as the court, in its discretion, deems to be in the best interests of the minor.

5. Upon receiving the proceeds of the compromise, the parent or guardian to whom the proceeds of the compromise are ordered to be paid, shall establish a blocked ~~trust account~~ *financial investment for the benefit of the minor* with the proceeds of the compromise. Money may be obtained from the blocked financial investment only pursuant to subsection 6. Within 30 days after receiving the proceeds of the compromise, the parent or guardian shall file with the court proof that the blocked ~~trust account~~ *financial investment* has been established. If the balance ~~in the account~~ *of the investment* is more than \$10,000, the parent, ~~trustee or~~ guardian or person in charge of managing the investment shall annually file with the court a verified report detailing the activities of the ~~account~~ *investment* during the previous 12 months. If the balance ~~in the account~~ *of the investment* is \$10,000 or less, the court may order the parent, ~~trustee or~~ guardian or person in charge of managing the investment to file such periodic verified reports as the court deems appropriate. The court may hold a hearing on a verified report only if it deems a hearing necessary to receive an explanation of the activities of the ~~account~~ *investment*.

6. *The beneficiary of a block financial investment may obtain control of or money from the investment:*

(a) *By an order of the court which held the compromise hearing; or*

(b) *By certification of the court which held the compromise hearing that the beneficiary has reached the age of 18 years, at which time control of the investment must be transferred to the beneficiary or the investment must be closed and the money distributed to the beneficiary.*

7. The clerk of the district court shall not charge any fee for filing a petition for leave to compromise or for placing the petition upon the calendar to be heard by the court.

~~[7.]~~ 8. As used in this section, the term “blocked ~~trust account~~ *means an* ~~and~~ *financial investment*” means a savings account established in a depository institution in this state ~~for the benefit of the minor with restrictions that the money cannot be withdrawn, except:~~

(a) ~~By an order of the court which held the compromise hearing; or~~

(b) ~~By certification of the court which held the compromise hearing that the beneficiary has reached the age of 18 years, at which time the account must be closed and the money distributed to the beneficiary.~~, a certificate of deposit, a United States savings bond, a fixed or variable annuity contract, or another reliable investment that is approved by the court.”.

Amend the title of the bill to read as follows:

“AN ACT relating to civil practice; revising the provisions relating to the appointment of temporary guardians; expanding the methods of investing the proceeds of a compromise from a legal dispute for a minor; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to appointment of temporary guardians and to investment for minors of their proceeds of compromises from legal disputes. (BDR 13-1070)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 677.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 3, line 21, before “The” by inserting “I.”.

Amend sec. 2, page 3, by deleting lines 23 through 37 and inserting:

“~~1-1~~ (a) To or for the benefit of the victim . ~~1-1~~

~~2-1~~ (b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury . ~~1-1~~

~~3-1~~ (c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim . ~~1-1~~

~~4-1~~ (d) *To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological counseling for emotional trauma suffered by the minor as a result of the battery.*

(e) To a member of the victim’s household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.

2. As used in this ~~subsection~~ section:”.

Amend sec. 2, page 3, line 38, after “(a)” by inserting:

““Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b)”.

Amend sec. 2, page 3, line 43, by deleting “(b)” and inserting “~~(b)~~ (c)”.

Amend the bill as a whole by deleting sections 3 and 4.

Amend the title of the bill to read as follows:

“AN ACT relating to domestic violence; providing that certain minors who need an assessment, a psychological evaluation or psychological counseling

as a result of a battery which constitutes domestic violence against a member of his household or immediate family are eligible for compensation from the fund for the compensation of victims of crime; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides that minor who needs assessment, evaluation or counseling as result of battery which constitutes domestic violence against certain other persons is eligible for compensation from fund for compensation of victims of crime. (BDR 15-854)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 88 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 91.

Bill read second time.

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

Amendment No. 699.

Amend sec. 59, page 27, line 13, by deleting: “department of human resources.” and inserting “department.”.

Amend sec. 59, page 27, lines 15 and 16, by deleting: “department of human resources.” and inserting “department.”.

Amend sec. 59, page 27, by deleting lines 19 and 20 and inserting:

“(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS;”.

Amend sec. 59, page 27, line 29, by deleting “A” and inserting “The”.

Amend the bill as a whole by renumbering sections 77.1 through 77.5 as sections 78 through 80.

Amend the bill as a whole by deleting sec. 78, renumbering sections 79 through 82 as sections 92 through 95, and adding new sections designated sections 81 through 91, following sec. 77.5, to read as follows:

“Sec. 81. Section 2 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 2. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a ~~valid~~ license to practice his profession in this state;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state;

3. An advanced practitioner of nursing who has been authorized to prescribe *controlled substances*, poisons, dangerous drugs and devices; or

4. A physician assistant who:

(a) Holds a license issued by the board of medical examiners; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS.

5. An osteopathic physician's assistant who:

(a) Holds a certificate issued by the state board of osteopathic medicine; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS.

Sec. 82. Section 4 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 4. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the health division of the department; or

2. Under emergency treatment in a hospital by a physician, *advanced practitioner of nursing*, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant, *advanced practitioner of nursing*, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 83. Section 5 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 5. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation or compounding of a substance by a person for his own use or the preparation, compounding, packaging or labeling of a substance by a physician, physician assistant, dentist, podiatric physician, *advanced practitioner of nursing* or veterinarian:

(a) As an incident to his administering or dispensing of a substance in the course of his professional practice; or

(b) By his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 84. Section 6 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 6. NRS 453.126 is hereby amended to read as follows:

453.126 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this state and is registered pursuant to this chapter.

2. An advanced practitioner of nursing who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy authorizing him to *dispense or to prescribe and* dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this state to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada state board of veterinary medical examiners and registered pursuant to this chapter, while he possesses or administers sodium pentobarbital pursuant to his license and registration.

5. A physician assistant who:

(a) Holds a license from the board of medical examiners; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. An osteopathic physician’s assistant who:

(a) Holds a certificate from the state board of osteopathic medicine; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada state board of optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 85. Section 7 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 7. NRS 453.128 is hereby amended to read as follows:

453.128 1. “Prescription” means:

(a) An order given individually for the person for whom prescribed, directly from a physician, osteopathic physician’s assistant, physician assistant, dentist, podiatric physician, optometrist, *advanced practitioner of nursing* or veterinarian, or his agent, to a pharmacist or indirectly by means

of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he is to take home upon his discharge.

2. The term does not include a chart order written for an inpatient for use while he is an inpatient.

Sec. 86. Section 8 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 8. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this state or who proposes to engage in the dispensing of any controlled substance within this state shall obtain biennially a registration issued by the board in accordance with its regulations.

2. A person registered by the board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he is acting in the usual course of his business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, osteopathic physician's assistant, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the board of medical examiners or a temporary license issued by the state board of osteopathic medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this state.

4. The board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's regulations.

Sec. 87. Section 9 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 9. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, osteopathic physician's assistant, physician assistant, dentist, podiatric physician, optometrist, *advanced practitioner of nursing* or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided in NRS 212.160, a person who is less than 21 years of age and is convicted of the possession of less than 1 ounce of marijuana:

(a) For the first and second offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

(b) For a third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

5. Before sentencing under the provisions of subsection 4 for a first offense, the court shall require the parole and probation officer to submit a presentencing report on the person convicted in accordance with the

provisions of NRS 176A.200. After the report is received but before sentence is pronounced the court shall:

(a) Interview the person convicted and make a determination as to the possibility of his rehabilitation; and

(b) Conduct a hearing at which evidence may be presented as to the possibility of rehabilitation and any other relevant information.

6. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 88. Section 10 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 10. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. *"Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the board.*

2. "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

~~[2. "Physician," "physician assistant,"]~~

3. *"Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the board.*

4. "Physician," "dentist," "podiatric physician," ~~["veterinarian," "pharmacist"]~~ "veterinarian" and "euthanasia technician" mean persons authorized by a ~~[valid]~~ license to practice their respective professions in this state who are registered with the board.

5. *"Physician assistant" means a person who is registered with the board and:*

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a certificate issued pursuant to NRS 633.451.

Sec. 89. Section 12 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 12. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256, a physician, physician assistant, dentist, *advanced practitioner of nursing* or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his professional practice, and he shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself, his spouse or his children except in cases of emergency.

2. A veterinarian, in the course of his professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and he may cause them to be administered by a veterinary technician under his direction and supervision.

3. A euthanasia technician, within the scope of his license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if he has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian shall return to him any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesman of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the board.

Sec. 90. Section 13 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 13. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, *advanced practitioner of nursing*, veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 91. 1. NRS 630.272, 630.274, 640B.010, 640B.020, 640B.030, 640B.040, 640B.050, 640B.080, 640B.100, 640B.110 and 640B.150 are hereby repealed.

2. NRS 630.256 is hereby repealed.”

Amend sec. 81, page 40, line 35, by deleting:

“80, inclusive, and 82” and inserting:

“90, inclusive, subsection 1 of section 91 and sections 92, 93 and 95”.

Amend sec. 81, page 40, line 39, after “3.” by inserting:

“Subsection 2 of section 91 of this act becomes effective at 12:01 a.m. on July 1, 2001.

4.”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 179.

Bill read second time and ordered to third reading.

Senate Bill No. 183.

Bill read second time and ordered to third reading.

Senate Bill No. 231.

Bill read second time and ordered to third reading.

Senate Bill No. 234.

Bill read second time and ordered to third reading.

Senate Bill No. 324.

Bill read second time and ordered to third reading.

Senate Bill No. 328.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of histories of all Bills and Joint Resolutions on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 474.

Bill read second time and ordered to third reading.

Senate Bill No. 503.

Bill read second time and ordered to third reading.

Senate Bill No. 520.

Bill read second time and ordered to third reading.

Senate Bill No. 521.

Bill read second time and ordered to third reading.

Senate Bill No. 523.

Bill read second time and ordered to third reading.

Senate Bill No. 563.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 698.

Amend sec. 2, page 2, line 18, by deleting:

“October 1, 2001.” and inserting:

“August 1, 2002.”.

Amend sec. 6, page 3, line 45, by deleting:

“October 1, 2001.” and inserting:

“August 1, 2002.”.

Amend sec. 10, page 5, line 19, by deleting:

“October 1, 2001.” and inserting:

“August 1, 2002.”.

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. This act becomes effective on August 1, 2002.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

Senate Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 747.

Amend sec. 7, page 2, by deleting lines 43 and 44 and inserting:

“(2) *Enforce each settlement or judgment pertaining to the right of this state to receive tobacco proceeds.*”.

Amend sec. 9, page 3, by deleting lines 23 through 27 and inserting: “*otherwise actionable under federal or state law.*”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to Concurrent Committee on Judiciary.

Assemblyman Bache moved that upon return from the Concurrent Committee on Judiciary, Senate Bill No. 488 be re-referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Joint Resolution No. 11 just reported out of committee, be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 199:

YEAS—39.

NAYS—None.

EXCUSED—Dini, Tiffany, Williams—3.

Assembly Bill No. 199 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 20:

YEAS—35.

NAYS—Bache, Freeman, Giunchigliani, McClain—4.

EXCUSED—Dini, Tiffany, Williams—3.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblymen Parnell, Gustavson and Bache.

Roll call on Senate Bill No. 46:

YEAS—37.

NAYS—Angle, Gustavson—2.

EXCUSED—Dini, Tiffany, Williams—3.

Senate Bill No. 46 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 75.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 75.

YEAS—38.

NAYS—Collins.

EXCUSED—Dini, Tiffany, Williams—3.

Senate Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 125 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 172.

Bill read third time.

Remarks by Assemblyman Claborn, Giunchigliani, Lee, Anderson, Collins, Hettrick, Arberry, Goldwater and Collins.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CLABORN:

Thank you, Mr. Speaker. SB 172 revises certain provisions pertaining to carrying concealed weapons. The measure removes a current maximum of two firearms for which a permit to carry a concealed weapon firearm may be issued. The effective day would be July 1, 2002.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I have to rise in opposition to this bill. Several years ago when we first adopted the one that allowed for the concealed weapons, I think the statement was that one allowed you to carry a "summer" gun and a "winter" gun. Now, I guess, it's going to be a "summer" gun, a "winter" gun, a "fall" gun, a "spring" gun and as many other guns as people think they need to carry around at one time. Now I understand the issue of having a concealed weapons permit, however, I don't know how many guns one has to have to feel safe, to walk around with, at any one time. As we know, there are many problems within our State, as well as in our nation, regarding the use and misuse of handguns. This is not a state's rights issue. This bill does not even deal with Constitutional issues. It's one that deals with whether or not access could lead to someone, in poor judgment, using a handgun in the wrong way, which may be in murdering someone. I just don't think this is a good policy decision.

ASSEMBLYMAN LEE:

Thank you, Mr. Speaker. I also have a question, maybe to the Chairman of Judiciary. We just passed SB 20 that will allow a resident or nonresident of the State to apply to the sheriff of a county. If a person who lived in Clark County had come to Douglas County to visit one of us, is there a state card or can they fax to the sheriff of the counties they are going through, "I'm carrying a gun. I have a permit. Don't stop me or violate my rights in this state." How does that work from county to county?

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. To my colleague from Assembly District No. 3. To understand the overall process you need to go back to the original piece of legislation, which, of course, was to eliminate the problem from county to county, which we have already taken care of. That was already in statute. So, if you have a concealed carry permit in Clark County and you came to Washoe County or to any other county in the State, you would be able to utilize that permit within the State of Nevada—it's a statewide use permit. Each county sheriff controls those permits that he puts out, and he has a time limit upon which he has to act on those permits, within 120 days. So, someone coming in from out of state, which would be covered by SB 20, is basically the question, would pick up a permit from one of the counties, have a permit meeting

Nevada standards. That was not a reciprocity bill. In other words, if you had a “concealed carry” in another state, you still have to meet our criteria here in the State of Nevada. Now you get to carry from county to county. SB 172 deals with the number of weapons you do carry. Although, I don’t want to get into the debate about that particular part, I’ll be happy to if you wish me to.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I rise in support of SB 172 on expanding the number of weapons. It is not saying a person can carry 10 or 20 handguns or concealed weapons on their person. It just allows an expansion of the actual weapons. In other words, it’s like a young lady that has ten purses can have one gun in each and never take the gun out of the purse, and just dress differently each day. They are only carrying one at a time. The issue would be, if I’ve got a .22, a .38 and a .45, and a .357 and a 9 MM, I get a permit and pass a test that qualifies me with each weapon, through the same procedure that passed in the 1995 legislation. A permit for more than two guns, it doesn’t mean I’m going to be carrying more than two guns, it only means that I can have a permit or any citizen in Nevada who qualifies, can have a permit for multiple handguns. They still might not carry any of them at all. I want to remind you that ten years ago, there were over 4000 handguns a month being purchased in Nevada. That number has risen. A lot of people were carrying guns. And that is why, finally, in 1995, the State passed the concealed carry weapon bill. A lot of people were carrying, so they came in with compliance. This just expands that provision to more than just one style of gun. So you can have three pair of glasses, you can have three guns. It’s really simple.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I appreciate that explanation, but nothing in this piece of legislation prevents you from carrying as many guns as you wish, at any one time. So, for the purposes of simplicity, I think we have to be forthright in recognizing that this does not prevent a person from carrying three guns or three pairs of eyeglasses. I guess it comes down to it’s no longer a Constitutional debate over a person’s right to have a gun. I’m not debating that issue. I’m debating, “How many do you really need?” This is a very serious matter. As a teacher, how do I explain to my kids that we do not want people to do the wrong thing and to act rashly. If you are carrying one or more guns on yourself, at one time, you might have the opportunity to, unfortunately, act in a rash manner. I understand about permitting, I understand about the process of being allowed to do so. But nothing in here protects.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I rise in support of SB 172. I would remind the body that the people who are impacted by this law are the legal citizens who get permits. The reason they have a permit is because they want to abide by the law. The people who are breaking the law and the people who are at risk are the people who carry without a permit. Nothing in any law stops them from carrying one or a hundred. This is about legal people who have a reason to have a permit, who have tested and complied with all the requirements of the federal law and the state law. This is simply a convenience because it is inconvenient at certain times and certain places to carry certain types of firearms. I don’t believe any permittee, in general, carries two weapons or more. They do not have a reason to do that. The reason is for self-protection or some other reason of personal concern. This merely makes in convenient to abide by the law. That is what this is about, so I urge your support.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. To you and through you, my question to the Chair of Judiciary is, how will we be able to stop trafficking of the guns? My concern is, and I’m living proof, that I have a permit and a concealed weapons permit down in Las Vegas, in Clark County, and I came to Reno and purchased a Baretta without anything. So, from this legislation, how will it stop people from trafficking? I only have one permit and I did not have a permit for the other gun.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Let me try to respond to my colleague. It is my understanding that in Clark County, the practice that they have always used, which is somewhat different than the rest of the State, is that the particular weapon has to be registered where you take the concealed

weapons course. In the rest of the State, that is not the case. Your permit to carry is for a particular weapon. So, that particular weapon and that particular weapon only, if you are carrying it concealed, applies. You can purchase a weapon and carry it on the seat of the car next to you. That is not a concealed weapon. You don't have to get a "concealed weapon carry" to carry a gun on a holster, providing it's not behind your coat. That being the case, there is a small difference between jurisdictions relative to the way sheriffs have interpreted and utilized this particular statute. As the Speaker is much more knowledgeable in this area than I, if he wants to enlighten the Body, I'm sure that his knowledge is much more specific to the weaponry question. Indeed, you could carry very easily three weapons on your person. In testimony in front of the committee, the purpose of the bill was clearly because some people bringing weapons in and out often have to carry more than three weapons. Well, I guess it's kind of like you can carry as much as you think you can physically carry. I can carry as much as I think I can carry, but my doctor disagrees with me. It's that kind of question.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. To you, and through you, to the advocate for this bill. I suppose it's the chairman of Judiciary or the gentleman from Gardnerville, whichever. We've had some instances in Las Vegas, several, which have touched us personally. The issue of Zane Floyd, when he shot up Albertson's—he was a law-abiding citizen carrying several weapons on him that were all permitted, I believe. He walks down the street to his local supermarket and starts shooting. With the passage of SB 172, were someone to stop him on the street on his way there and say "Do you have a permit for all these?" And he would have said, "Yes, here it is." Would the passage of this bill mean he would be able to proceed to his destination and achieve what he wanted to achieve?

ASSEMBLYMAN ANDERSON:

To my colleague from Assembly District No. 10, I won't swear that the gentleman in question had a concealed weapon carry permit. I am under the impression that he did not because of testimony that was given in the Assembly Judiciary Committee that no concealed weapon carrier had yet to be charged in the State with a crime. So, based on that, I would say that the gentleman was not. However, currently, your right to own a weapon is not any different than it has always been. That statute says that in the State of Nevada, if you have a handgun and want to carry it, put it in the front seat of the car with you, you can carry every weapon that you own there as long as it's not concealed. A concealed weapon is the argument that, in effect, has been the argument for some time. If I were wearing a holstered weapon, and I was wearing a long, duster type coat that would cover it, is it a concealed weapon or an open-holstered weapon? For an open-holstered weapon, I would not need a "concealed carry" permit. If you were like the Speaker, who carries those shoulder holsters, then you would have to have a concealed weapon permit. If I had carried one in a boot, I would have to have a concealed weapon permit. It is quite conceivable for someone to be carrying one at the waist, one at the shoulder, and one in the boot without too much trouble. I don't think this is going to change someone bringing their howitzer, bazooka, or machine gun with them, which is tragic. I'm not trying to make light of it. I don't think it's affecting you one way or the other. That guy will still be able to do what he wants to do. That deranged person will never be stopped by a piece of paper.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. A couple of points difference between a concealed weapon versus a legally permitted concealed weapon. A simple analogy would be cars. Cars kill. They have license plates, which we have discussed for a long time; it's a good analogy because we're all familiar with them. Currently, under the concealed weapon permit law an individual can have two different weapons. It's like saying you can only have two cars. Some people have three cars or vehicles. Under this law now, you can have three permits. It means you can own three guns you can conceal, or more. It's that simple. You might have five vehicles; you put a license plate and registration on each one of them. You buy five guns you want to carry as concealed weapons. You have a permitted card, you're now allowed to have that. I want to let this body know, clearly, that the Nevada Police Officer's Association, the Nevada Sheriff's Association and the Nevada District Attorney's Association have all spoken and supported this legislation

because they believe it is fair and reasonable and that they can enforce it and handle it. It's a legal mechanism to allow and bring more people into compliance. It's, very simply, for the citizens. The nut down at Albertson's might have had concealed weapons. I don't believe he had a permit as was stated. There is no one in Nevada, to this date, that has broken the weapons law that had a concealed weapons permit in the State of Nevada.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. This discussion has gone to a totally new level of what's going to happen here. I need to take it to that level. The main reason is that this body is looking at passing a law, based on the chairman from Judiciary, saying that now you can have as many guns in your vehicle as you want. When this gets to certain communities it's going to be a totally different piece of legislation. It's going to be where you find a young black man rolling down the street in his car and he's got five guns sitting on the seat. They are not going to ask him for a piece of paper. They are going to shoot first and ask questions later because they are going to think it's a gang war going on. Now, hear me out. Right now you have people who are afraid to reach for their wallet. People are afraid to do anything. Now, you are going to tell me we are going to allow someone to have as many guns as they want, in their vehicle, and then nothing is going to happen. It's not going to translate like that when you get down to the patrol officers. It's going to be different. I'm afraid, Mr. Speaker, we're taking this to a different level, even though we are trying to pass good legislation. It's going to change when we get to the inner city. We will see it and deal with the brunt of it.

ASSEMBLYMAN CLABORN:

Thank you, Mr. Speaker. I rise to support of SB 172. Just to put a little light on the subject, to buy a handgun, that's all Federal. You cannot go down to buy a handgun unless you are registered. They do have to be registered. You can't buy a handgun, legally, without a three-day wait. The Federal Government governs it all. As far as carrying all the weapons in your automobile, you can do that today. You've been able to do that for 100 years; as long as they are in plain sight. So we are not doing anything new here. Thank you, Mr. Speaker.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker, for recognizing me a second time. My colleague just addressed much of what I wanted to say. I think the point needs to be here that to carry a weapon of any kind: handgun, rifle, shotgun, you can carry a hundred of them in your car today. This bill has nothing to do with that. Absolutely nothing. This bill has no impact on that whatsoever. In terms of buying a weapon, you have to go through a Brady background check. This won't impact trafficking or illegal trade in guns or anything else. This bill has nothing to do with that. This bill merely says that an individual who has a permit may have more than two weapons listed on the permit. That's all this does. It's not a big deal. It simply says that it may be more convenient at one time or another to carry a different weapon for which you are permitted and have tested. It allows you to carry a different firearm. That's all it does. We are trying to make something out of this bill that it is not. It is merely a convenience for law-abiding citizens. It has no impact on 99 percent of what has been brought up here as a negative in regard to this bill. Thank you, Mr. Speaker.

Assemblyman Anderson moved that Senate Bill No. 172 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson

Motion lost on a division of the House.

Roll call on Senate Bill No. 172:

YEAS—32.

NAYS—Arberry, Bache, Chowning, Freeman, Giunchigliani, McClain, Parnell, Price—8.

EXCUSED—Tiffany, Williams—2.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 42.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 43.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 42.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblymen Ocegüera, Anderson and Carpenter.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker. It is ironic that I was asked to present this concurrent resolution because just last night I signed up for my summer law school classes and signed up for Alternate Dispute Resolution. I think the legal community is moving more toward this area. The law school is certainly recognizing that it is a way to save money and save the pain and suffering of litigation. As the resolution states mediation allows for alternatives to the contentious litigation and also allows for an impartial individual to hear disputes. Many, many cases are resolved through mediation. On several occasions, as the secretary treasurer of my Local, I used mediation and arbitration, kept the cost down, and quickly resolved the issues. Mediation can also be used in several forms, from business to family. I also have the experience of doing mediation with families regarding parenting and property issues at the Family Law Clinic. Mediation makes the process much more cooperative without the competitiveness.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I didn't think my colleague was going to allow the rest of us to speak on such a worthy resolution. I rise in support of SCR 42, having seen the work of this particular group and having reviewed the documents they must submit to this legislative body. The lead work the resolution group has done in Clark County has been very, very helpful in terms of trying to clear the courts and speed up the process so that there are fair and equitable hearings. I think mediation holds great hope for a litigious society to solve problems. What we have done here in the State is an important step and an important part of our process. I salute the people involved and stand in support of the resolution, even though our junior colleague did not feel it was necessary for any of the rest of us to speak on the resolution.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of SCR 42. It was through the great help of a very experienced mediator during a recent resolution of the issues regarding the South Canyon Road that we were able to bring a very contentious issue to an end. I really do appreciate mediation and know first hand that it does work.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 43.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblymen Parks, Nolan, Mortenson, Giunchigliani and Berman.

Assemblyman Mortenson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PARKS:

Thank you, Mr. Speaker. It's my privilege today to speak in support SCR 43. As the resolution indicates there has been considerable effort made toward the development of a state-of-the-art performing arts center for southern Nevada where world class entertainment may be offered. The proposed performance arts center will be a joint public-private partnership venture. Grant funding will be sought along with contributions from a local foundation.

If you were to travel to any major metropolitan city across the country that had population equivalent to southern Nevada, you would find that each and every one of those cities would have a major quality facility for the performance of major operas, symphonies and ballets. This effort in front of us is to build a facility at least comparable to any that any other small and medium-sized city would have. This would be a multi-purpose facility that would include a variety of different theaters, all in one complex, that would be specific to the type of performance that is being performed. I urge the body adopt this resolution.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. I rise in support SCR 43. For those of you who have visited my office before, one of my most prized possessions is a picture hanging on the wall of myself and Luciano Pavarotti, which was taken about 10 years ago when he first visited Las Vegas. I'll never forget the presentation he gave. He just thrilled audiences in that facility. He performed at the Thomas and Mack Center. At one point during his performance when he was singing a very high note, the building began to shake. Everyone kind of looked like, "Geez, this guy is really knocking the wind out of this building." Suddenly, even Luciano Pavarotti stopped to see what was shaking the building and, in fact, it was a 727 flying over the Thomas and Mack Center. I think we have come a long way with the help of the gaming and entertainment industry in providing better facilities. I think the promotion and development of this type of performing art facility in Nevada would bring on a whole new cultural facet to the State and benefit both the citizens and our visitors. I would urge our body's support of this resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN MORTENSON:

Thank you, Mr. Speaker. I, also, rise in support of this resolution. For about seven years, we have had a group called the Las Vegas Performing Arts Center Incorporated, which has been trying to find a suitable venue for a performing arts center. There is a perception that there are two competing groups in the south, trying to build a performing arts center. I would like to not call them competing. I think we are working together. They are trying to do it one way, we are trying to do it another way. I think when the first truckload of concrete is poured, the two groups will come together and support one. I would like to say that our group has just signed a 99-year lease for \$1 a year for many, many acres of property in Green Valley, with Richard McDonald. That hasn't even come out in the papers yet. That will be a release sometime, a few weeks from now. That is our progress. I think the other group is equally ahead in their progress. I say it all boils down to who pours the first truckload of concrete. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of SCR 43. I would point out to you, as my colleague also has noted, we both have been on the same side of supporting the performance centers. I happen to believe it should be in a downtown location because I think that is where the core of many of our local performing arts are located. It's where the people have access and where the public can actually go. It brings the whole group together. We will fight about that issue later on down the road. I do think this resolution at least recognizes the fact that funding is going to be necessary, but at this point, this resolution is not asking for anything. I do believe both groups are very close to moving forward with some kind of design. I hope, at some point, we deal with that issue some time this session.

ASSEMBLYWOMAN BERMAN:

Thank you, Mr. Speaker. I rise in support of SCR 43. I've been working toward this goal with a lot of very hard working people, for many, many years. I want to salute them all for never giving up their vision of having this center made. Whatever group gets to do it I hope we can all work together and get this to be a spectacular place, because Las Vegas is spectacular and we need to show off our spectacular resources other than the strip properties. Thank you.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 721.

Amend the resolution, pages 1 and 2, by deleting lines 1 through 18 on page 1 and lines 1 through 19 on page 2, and inserting:

“RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 24 of article 4 of the Constitution of the State of Nevada be amended to read as follows:

~~[Sec.] Sec. 24. 1. [Except as otherwise provided in subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold.]~~ *The legislature may authorize a lottery to be operated by the State of Nevada. If the legislature authorizes such a lottery, the legislature shall, by law:*

(a) Determine the appropriate manner of operation for the lottery.

(b) Account separately for the proceeds of the lottery for expenditure in the same manner as other noncontinuing sources of revenue.

(c) Provide by appropriation for the disbursement of the proceeds of the lottery, less expenses directly related to the operation of the lottery, only for programs and services that enhance:

(1) The public education of children within this state.

(2) The health and welfare of senior citizens within this state.

(d) Ensure that the proceeds from the lottery, other than expenses directly related to the operation of the lottery, may only be used to supplement and not supplant money that the state would otherwise have expended for the programs and services described in paragraph (c).

2. The ~~[State and the]~~ political subdivisions ~~[thereof]~~ of this state shall not operate a lottery. *Except as otherwise provided in subsection 3, the legislature shall not authorize the operation of any private lottery.*

3. The legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this state. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The legislature may provide by law for the regulation of such lotteries.”.

Amend the resolution, page 1, by adding a preamble, immediately preceding the resolving clause, to read as follows:

“WHEREAS, A society is judged by the manner in which it treats its most vulnerable citizens; and

WHEREAS, The children of the State of Nevada are the future of this state and the public education of those children is vitally important to the future success of this state; and

WHEREAS, The system of public education extending from kindergarten through grade 12 is often not funded sufficiently; and

WHEREAS, The senior citizens of this state deserve continuing support into their golden years because of the service and sacrifice that they have extended on behalf of this state; and

WHEREAS, The cost of providing adequate health care to senior citizens has been escalating rapidly in recent years and, as a result, many senior citizens do not have access to adequate resources of health care; and

WHEREAS, Proceeds from a lottery may not be sufficiently reliable or stable to rely upon such proceeds to pay for programs that benefit children and senior citizens; and

WHEREAS, The legislature will determine how best to apply proceeds from a lottery to benefit children and senior citizens by accounting for such proceeds separately and by using such proceeds to supplement and enhance existing, permanently-funded programs; now, therefore, be it”.

Amend the title of the resolution to read as follows:

“ASSEMBLY JOINT RESOLUTION—Proposing to amend the Constitution of the State of Nevada to allow the legislature to authorize this state to operate a lottery for the support of the public education of children and for the support of the health and welfare of senior citizens.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Proposes to amend Nevada Constitution to allow legislature to authorize state to operate lottery for support of public education of children and for support of health and welfare of senior citizens. (BDR C-1200)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 200.

Bill read third time.

Assemblyman Goldwater moved that Senate Bill No. 200 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Goldwater.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 201 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 225.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 225:

YEAS—40.

NAYS—None.

EXCUSED—Tiffany, Williams—2.

Senate Bill No. 225 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 272.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 272:

YEAS—40.

NAYS—None.

EXCUSED—Tiffany, Williams—2.

Senate Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 394.

Bill read third time.

Remarks by Assemblymen Dini and Anderson.

Roll call on Senate Bill No. 394:

YEAS—40.

NAYS—None.

EXCUSED—Tiffany, Williams—2.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.

Bill read third time.

Remarks by Assemblymen Bache and Buckley.

Assemblyman Bache moved that Senate Bill No. 487 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 517.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 517:

YEAS—40.

NAYS—None.

EXCUSED—Tiffany, Williams—2.

Senate Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 541.

Bill read third time.

Remarks by Assemblywomen Parnell and Giunchigliani.

Assemblywoman Giunchigliani moved that Senate Bill No. 541 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 555.

Bill read third time.

Remarks by Assemblymen Bache, Chowning and Dini.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 555:

YEAS—40.

NAYS—None.

EXCUSED—Tiffany, Williams—2.

Senate Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 155; Assembly Concurrent Resolutions Nos. 7, 32, 33; Senate Bills Nos. 15, 32, 74, 114, 155, 159, 161, 233, 248, 304, 318, 323, 350, 373, 374, 414, 470, 501, 512; Senate Joint Resolution No. 2; Senate Concurrent Resolutions Nos. 37, 38, 39, 40, 41.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to MarQuis Vitto, Kirk Vitto and Joni Gonzales

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Fran Inman and Monique Ammons.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Strang.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Dreitzer.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Nunez.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Sally de Lipkau.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Rhodes.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Doris Maciel.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Meenan.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Wedde, Jean Peyton, Trip Barthel, Charlotte Kiffer, Deborah R. Roberts and Phil Bushard.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Forbuss, Scott McTaggart, Don Snyder and Vanessa Cruz.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Parnell, Kevin Liston, McKenzie Groth, Lucas Hahne, Maria Peregrina, Yessenia Montes, Lucero Castillo, Michelle Kop, Kellie Hickenbottom, Lydia Peri, Alissa Watson, Savina Brown, Tessa Richards, Erica McCraw, Alfredo Hernandez, Mike Atkinson, Daine Eichenberger, Mike Arnold, Drew Heller, Zack Werner, Tyler Walker, Richone Cancimilla, Chandni Karia, Kim O'Connell, Ian Anrig, Todd Banko, Corinne Callahan, Katie Baxter, Mike Katelnikoff, Betty Scroggin, Jane Starrett, Nadine Branco, Lesly Aguilar, Josilyn Arellano, Corde Armstrong, Mario Avila, Dustin Beauford, Daniel Davis, Wes Ducoing, Danielle Eyeman, Josh Hanah, Aaron Holmes, Nathan Horstman, David Illig, Bobby Jones, Cassie Laberee, Chris Mitchell, Danielle Nelson, Lara Noad, Kevin Peterson, Deanna Prebble, Jeremiah Schenzel, Zack Terstege, Tiffany Trotter, Chris White, Ashley Wilke and Brittany York.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Damrow and Bruce Damrow.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Smith.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 15, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:00 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE-HUNDREDTH DAY

CARSON CITY (Tuesday), May 15, 2001

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Steve Mitchell.

Heavenly Father, we thank You that we live in a land of the free and that freedom is most visible in this form of government that we all enjoy. We ask for Your wisdom and guidance in these proceedings to make the decisions that would most benefit the people of this great State. Help us to value our freedoms, to teach them to our children, and to observe them in such fashion as to commend them to all people. In Your Precious Holy Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 2, 28, 378, 420, 558, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 51, 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 267, 327, 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 28, 56, 59, 61, 96, 99, 101, 130, 160.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 60, Amendment No. 658, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 6, Amendment No. 675, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 307, 320.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 666—AN ACT relating to Nevada Revised Statutes; making technical corrections to inappropriate or inaccurate provisions; clarifying ambiguous provisions; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 307.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 320.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 563 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Parks moved that the reading of histories on all Bills and Joint Resolutions on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 123.

Bill read second time and ordered to third reading.

Senate Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 722.

Amend section 1, page 2, by deleting lines 28 through 30 and inserting: *“health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.”.*

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 720.

Amend section 1, page 1, line 2, by deleting “bureau” and inserting “health division”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 731.

Amend the bill as a whole by deleting sec. 20 and inserting:

“Sec. 20. (Deleted by amendment.)”.

Amend the bill as a whole by renumbering sec. 34 as sec. 35 and adding a new section designated sec. 34, following sec. 33, to read as follows:

“Sec. 34. Section 12 of Assembly Bill No. 11 of this session is hereby amended to read as follows:

Sec. 12. Section 2.050 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 477, is hereby amended to read as follows:

Sec. 2.050 Meetings: Quorum.

1. The ~~{board of supervisors}~~ *city council* shall hold at least one regular meeting each month, and , by ordinance , may provide for additional regular meetings.

2. Except as otherwise provided in section 1 of *Senate Bill No. 329 of this {act,} session*, a majority of all members of the ~~{board of supervisors}~~ *city council* constitutes a quorum to do business, but a lesser number of *the members of the city council* may meet and recess from time to time, and compel the attendance of the absent members.

3. Except as otherwise provided by law, all sessions and all proceedings of the ~~{board of supervisors}~~ *city council* must be public.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 714.

Amend sec. 4, page 3, line 41, by deleting: “*an organic disorder of the brain or*”.

Amend sec. 4, page 3, by deleting line 45 and inserting: “*CM, code range 295 to 298.9, inclusive, 300 to 302.9, inclusive, 306 to 309.9, inclusive, 311 or 316, or the*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 366 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

Senate Bill No. 471.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 481 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 492.

Bill read second time and ordered to third reading.

Senate Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 719.

Amend sec. 22, page 8, line 10, by deleting “*subsection 3,*” and inserting: “*subsections 3 and 4,*”.

Amend sec. 22, page 8, by deleting line 26 and inserting:

“4. *A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.*

5. *As used in this section:*

(a) “*Crime against a child*” has the meaning ascribed to it in NRS 179D.210.”.

Amend sec. 22, page 8, line 27, by deleting “(a)” and inserting “(b)”.

Amend sec. 22, page 8, line 36, by deleting “(b)” and inserting “(c)”.

Amend sec. 22, page 8, between lines 38 and 39, by inserting:

“(d) “*Sexual offense*” has the meaning ascribed to it in NRS 179D.410.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 519 be placed on the Chief Clerk’s desk.

Remarks by Assemblyman Anderson.

Motion carried.

Senate Bill No. 554.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 732.

Amend section 1, page 2, by deleting lines 23 through 25 and inserting:

“(g) *That the governing body may charge the appellant a fee for the cost of the appeal.*”.

Amend sec. 3, page 3, line 2, by deleting “\$100” and inserting “\$80”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 561.

Bill read second time and ordered to third reading.

Senate Bill No. 481.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 737.

Amend the bill as a whole by deleting sec. 148.5 and adding:

“Sec. 148.5. (Deleted by amendment.)”.

Amend sec. 193, page 103, line 15, by deleting “the” and inserting “this”.

Amend sec. 193, page 103, line 17, by deleting “bureau” and inserting “health division”.

Amend sec. 193, page 103, by deleting line 19 and inserting: “alcohol and drug abuse programs of the health division;”.

Amend sec. 193, page 103, line 36, by deleting “Such” and inserting “Those”.

Amend sec. 193, page 104, line 4, by deleting “official” and inserting “officer”.

Amend the title of the bill by deleting the third through fifth lines and inserting: “department of public safety;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for reorganization of department of motor vehicles and public safety into two departments. (BDR 43-1107)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblymen Beers, Carpenter and Von Tobel.

Roll call on Assembly Bill No. 469:

YEAS—41.

NAYS—Buckley.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 54 be taken from the Chief Clerk's desk and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 523 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblymen McClain, Lee, Parnell and Berman.

Roll call on Assembly Joint Resolution No. 11:

YEAS—38.

NAYS—Angle, Brown, Gustavson, Lee—4.

Assembly Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 34:

YEAS—42.

NAYS—None.

Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Roll call on Senate Bill No. 87:

YEAS—42.

NAYS—None.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblymen Dini and Gustavson.

Roll call on Senate Bill No. 91:

YEAS—42.

NAYS—None.

Senate Bill No. 91 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 234 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 179.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 179:

YEAS—42.

NAYS—None.

Senate Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 183.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Senate Bill No. 183:

YEAS—42.

NAYS—None.

Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblymen Carpenter, Dini and Anderson.

Assemblyman Anderson moved that Senate Bill No. 231 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Senate Bill No. 324.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 324:

YEAS—42.

NAYS—None.

Senate Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 520 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblywoman Chowning.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 328:

YEAS—42.

NAYS—None.

Senate Bill No. 328 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 474.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 474:

YEAS—42.

NAYS—None.

Senate Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Senate Bill No. 503:

YEAS—42.

NAYS—None.

Senate Bill No. 503 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 44.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 44.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Gibbons and Carpenter.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. It's a privilege for me to rise in support of this resolution and to honor the Park family and, in particular, Brooks Park. When I think of the Park family and Brooks in particular, I think of them as stewards of the land. When you go to the Carson Valley, the comment in this resolution about Brook saying "that was the most beautiful spot on Earth," if you ride down there right now, you would agree. You would agree with that in a moment. Part of the reason why it is as beautiful as it is, is because of the Park family and their vision. I hope you also heard the portion of the resolution about the Edgewood Golf Course and the vision to create the Edgewood Golf Course at Lake Tahoe. What I remember, where I saw Brooks, was always at Edgewood. Hands on, working up there in a beautiful place, trying to make it even more beautiful. Just preserving what he saw as part of that vision of this area, our valley and what it can mean.

The Park family has done tremendous things. Part of the reason the valley is open as it is, is because of the Dangbergs and the Park family, who have tried to keep that land as it was, in a pristine state, and treat it with respect. I think a lot of that vision and direction came from Brooks. He's going to be greatly missed. He had a great sense of humor and was fun to be around. He was really a pleasant man. It's a privilege for me to rise in honor of this resolution and to honor the Park family.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in honor of Mr. Park and this resolution, SCR 44. I think it's wonderful we can share him with this body, because he is a longtime Nevadan and rancher; in fact, going back to the days of the stagecoach. He married into another long time Nevada family, the Dangbergs. It's like having a bit of history, having these folks with us here today. I'm just very pleased this body has chosen to honor him and I salute him and his wife of 63 years. I think that's pretty remarkable and it is something to be honored. I stand up and honor her as well for being committed to someone and carrying through all those years.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of SCR 44. My friend Jeanne Blach from Elko is here today. I can see that Jeanne is continuing a tradition of her father. She does great things for Elko. If you want to go to Elko and look at the community college, Jeanne Black is the main cause of all that beauty there. I just want to offer my condolences to Jeanne and her family. I just hope Jeanne continues on with Elko and doesn't completely move to Carson Valley.

Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 521.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 521:

YEAS—42.

NAYS—None.

Senate Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblymen Carpenter, Angle and Anderson.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Senate Joint Resolution No. 1:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Concurrent Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 605, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 618, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 45.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 45.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Marvel, Anderson, Gibbons, Carpenter and Parnell.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. We're here to memorialize a really, truly great Nevadan. When I was a kid growing up, he was just slightly older than me, I remember his athletic prowess in the boxing field and the things that he did. I think that you ought to get his books and read them. Robert and I became really close friends about 10 or 12 years ago. He used to come to Yerington and visit me and have lunch. He would always bring me another book. I have to tell you the truth—I have only read about six of them. I think I have about 12 on the shelf. This summer I hope I can read them all.

His books really gave you the feeling of a first generation immigrant's son, growing up on the streets of Carson City, and the warmth of growing up in the atmosphere of real, true Nevada. He just inspired me to look forward to our visits and to listen to his tales. He knew Nevada history. He knew every bit of it. I could stand there by the hour and just listen to him recite what has happened in our State. Some of his books are really tremendous things to read.

He had a colorful history. He was a boxer when he was a young man. He was nicknamed "Frenchy". His inspiration was always back to his Basque ancestors. I guess he made Basque famous because of his integrity in trying to get out there and write books and push forward. The fact is, if you remember, in the Ways and Means Committee we just appropriated some money to continue the Basque Studies Program in honor of Robert Laxalt and what he's done to promote the Basque people in our country.

As he went along and age took its toll he was still active in writing and giving us the inspiration to remember where our roots came from, especially as a first generation Basque boy. It really meant a lot to me as a first generation Italian. I say Nevada has lost a great man, a man who gave back to our state and our country much more than he ever got from it. With that, we want to relay our condolences to the family and honor this man for the great man he was.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of SCR 45. All our backgrounds are pretty similar. My family started out in the 1870's in the sheep business. When I read "Sweet Promised Land" it really brought to mind, particularly, what my grandparents had to go through in establishing one of the largest outfits in the State of Nevada. Like the Speaker Emeritus, I knew "Frenchy" when we were at the University together. I knew his wife. I think what I'm particularly proud of is how "Frenchy" made the Basque race a superior type of ethnic group. I, too, have a Basque sister-in-law, I have a daughter-in-law that is half Basque. I think that "Frenchy" just made us proud of our heritage. We certainly are going to miss him. I had the pleasure of reading all his books and I would certainly recommend every one to read "Frenchy's" books because we are going to miss him in the future as a brilliant author.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of SCR 45. Obviously anybody who has lived in Nevada for any length of time, who has a love of the land and the history of the State, has to recognize that "Sweet Promised Land" is a heroic tale that you never forget. This author, this writer, this man who cared so deeply about this State, its people and their life in this state is of the stature that will forever be remembered. When people begin to talk about understanding the heart of Nevada they suggest reading "Sweet Promised Land" because it is there that you find our heart. I am also a first generation American. My father and mother are from Ireland. I found solace as I thought of my father stepping off a train in the middle of Hazen, Nevada, out in the middle of nowhere. I think of him talking to the people he loved, and the Basques clearly fall in that category. The book holds for all of us a kind of ethnic promise and it shows the stubborn pride Nevadans take in who they are and where they are rooted. I clearly rise in support of SCR 45 because Robert Laxalt is an example of what all Nevadans want to be.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of honoring this family and particularly, Robert Laxalt, who was a great storyteller and a great Nevada icon to all of us. I think in the history books he'll be, if not surpassed, he will be Mark Twain's equal. It was just very fortunate for those in this body who knew him to really know him as a person and not just as a writer.

Fortunately, we have a part of him left with us always that we can pass on to our kids and grandchildren. He certainly made a great contribution in his works.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of SCR 45. Being in the sheep business for so many years, I had many great Basque friends including the Laxalts. If you read Robert's books, it is hard to describe them, they are so great! Right now I am reading one that is about rabies. Probably not too many people here understand what happened in the early '30s in the livestock business. We had an outbreak of rabies and because of this the sheep business in Nevada was decimated. I don't think you really understand seeing all those animals die and knowing there is not much you can do about it, unless you are in the livestock business when something like this happens. This book tells the story just like my uncles described it happening. It is so true to life that it is really hard for someone like me to continue to read the book to the end because I know what is going to happen. I know I've got to read the end, but so far I have not been able to. It is a great book and so true to life. I want to honor Robert and his family and all the little Laxalts.

ASSEMBLYWOMAN PARNELL:

Thank you, Mr. Speaker. I rise in support of SCR 45. As the representative from Carson City, I want to stand and thank the Laxalt family for contributing so much of the history and the flavor of Carson City. Thank you.

Resolution adopted unanimously.

REMARKS FROM THE FLOOR

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. A moment in history—On May 15, 1776, two hundred and twenty-five years ago today, in the first legislative body in the United States, the Virginia House of Burgesses, a gentleman by the name of Lee got to his feet and placed a resolution in front of the body. This resolution directed the delegates from the first colony of America to place in front of the Second Continental Congress a resolution asking for freedom and separation from the sovereign nation of England. I bring that forward, Mr. Speaker, because often times in our troubled look we think of the national government and forget to recognize the importance of the state legislative body, the assembly. It was that motion in 1776 that allowed the heart of democracy to rest in this body, the Assembly. I remind all of you that the Governor was once appointed by the Senate. Governors were once the agents of the king. Courts were the extension of the church. It was from that first legislative body, the Virginia House of Burgesses, which on this date 225 years ago called for our freedom, that democracy was allowed to rest here in the house of the people. I just thought I would bring it to the attention of the body.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Holler, Russ Nichols, Tonja Nichols, Kaitlin Nichols, Ken Nichols, Beverly Nichols, Bernie Curtis, Mike Gilbert, Debbie Heath, Jeanney Park, Bruce Park, Nancy Park and Jeanne Blach.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Baumeister and Jeff Sorby.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Morrison, Lisa Holland, Valentina Midboe, LaVonne Ackerman, Lacey Ackerman, Joseph Allison, Lionel Austin, Alexandra Cappucci, Yesenia Castilla, Laycie Corley, Caitlin Faber, Justin Gragg, Briana Hogan, Kristin Holland, Brandon Holly, Patrick Jones, Johnny Joyce, Kallie Long, Trevor Matzke, Tina Midboe, Dillon Moore, Nidsa Mouritsen, Blayke Olson, Joab Perez, Kyle Reynolds, Aaron Server, Tyler Shovah, Phillip Stroud, Jessie Sotelo, Jacob Thompson, Kirsti Walker, Philip Wortman, Humberto Zaragoza, Diana Easby, Patti Briggs, Andrea Anderson, Sarah Moore, Adam Updegrove, Aldo Delrazo, Brandon Briggs, Breanna Anderson, Christian Grant, Daniel Ly, Danielle Jackson, Elise Hansen, Garret Merriwether, Gordon Lee, Gus DeBacco, Tara Silsby, Jeremy Zich, Jessica Benjamin, John Andrews, Joe Vinesis, Matthew Parmenter, Megan Porcello, Nadia Grabler, Nathan Bruns, Nick Boyd, Patrick Van Epps, Shelby Mills, Spencer Brinson, Spencer Gibb, Tallie Birba, Taylor Tucker, Devonn Wadkins, Jesus Roque and Tori Moon.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 16, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:43 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 16, 2001

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Gibbons, who was excused.

Prayer by the Chaplain, Captain Steve Mitchell.

Holy Father, we thank You for all of the blessings you have graciously given to us in the days gone by, and we thank You for the blessings that You have in store for us as we face the future. Today, we come before You praying for Your leadership so that we might give ourselves and all that we are into Your service. We thank You for an opportunity to serve and for the privilege of being able to help others. May You be glorified in the work we do, we pray in Your Precious Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bill No. 665; Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 558, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 86, 183, 200, 266, 299, 400, 427, 476, 481, 497, 535, 538, 542, 549, 586, 631, 646, 657, 663; Senate Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 337, Amendment No. 713; Assembly Bill No. 361, Amendment No. 653; Assembly Bill No. 487, Amendment No. 660; Assembly Bill No. 639, Amendment No. 710; Assembly Bill No. 660, Amendment No. 688, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendments Nos. 204, 667 to Senate Bill No. 77.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Senator Mark A. James.

For: Senate Bill No. 571.

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).

Subsection 2 of Joint Standing Rule No. 14 (50 BDRs for committees of each house requested by 22nd day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 71st day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rules Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 11, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

By Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 13—Commending former Assemblyman George Holbrook Hawes for his public service.

WHEREAS, George Holbrook Hawes, born in Skowhegan, Maine, on April 10, 1904, has served the people of the State of Nevada in various public capacities for over 50 years; and

WHEREAS, George Hawes was elected by the residents of White Pine County as a member of the Nevada Assembly from 1951 through 1954; and

WHEREAS, During his years of legislative service, George Hawes served on the Assembly Standing Committees on Fish and Game, Labor, Public Health and Public Morals, and State Libraries; and

WHEREAS, George Hawes sponsored a number of important pieces of legislation during his years of legislative service, including creation of the Roadside Park and Rest Area Program along Nevada's highways and providing for Nevada's Fish and Game Commission to establish Cooperative Game Management Areas in cooperation with private landowners; and

WHEREAS, George Hawes was the primary sponsor of important legislation during the 1953 Legislative session, which included amending the Motor Vehicle Fuel Tax Act to provide that the county's share of the tax not be used for administrative expenses, conferring upon the Chief Parole and Probation Officer the full powers of a peace officer throughout the state, and amending the Fish and Game Law to provide that beaver and otter could not be taken in the open trapping season; and

WHEREAS, During the campaign for the presidential election in 1952, George Hawes arranged and coordinated one of the largest public celebrations in the history of Ely and White Pine County in honor of Patricia Ryan Nixon, a native of White Pine County and wife of the vice presidential nominee, Richard Milhous Nixon, the running mate of presidential candidate, General Dwight David Eisenhower; and

WHEREAS, In 1988, at the age of 84, George Hawes was elected by the voters as a hospital trustee for the Carson-Tahoe Hospital and, during the 10 years he served as a trustee, was instrumental in such projects of the hospital as the construction of the women's and children's wing, purchase of the Sierra Professional Center, establishment of the Carson Rehabilitation Center and construction of the Minden Medical Center; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That George Holbrook Hawes is hereby commended by the members of the 71st session of the Nevada Legislature for his many years of service to others, including the 4 years he served the residents of Nevada in the Nevada Assembly; and be it further

RESOLVED, That George Hawes is congratulated for serving as an inspiration to all and as a role model for seniors throughout this state to remain actively involved in their community; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to George Hawes as he begins his 98th year and continues in his service to others.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Carpenter, Parnell, Chowning and Freeman.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker pro Tempore. I think this resolution gives a really brief capturing of what George Hawes has done for the State of Nevada. It came to my attention last week, when we had some of the women here from the Carson City Democratic Club, that George was celebrating his birthday the next day. I felt it was appropriate to recognize him. I hope my colleague that represents Carson City and I will deliver this to him at the nursing home where he is currently residing.

George was a progressive individual. He lived in the rurals. He also lived in Clark County. He came back to the rurals. He was one of those individuals that really understood the entire State of Nevada. And even though he was a "yellow dog" Democrat, he always worked with Republicans regardless of where they were, because he wanted to work on behalf of native Nevadans and Nevadans everywhere. In addition to that, I think that the key line in this resolution recognized that George stayed active all through his years until what slowed him down a little bit now; otherwise, he'd still be sitting in the back of this room watching the proceedings. He was here every session that I had served until he fell somewhat ill. I just wanted to give some simple recognition to George and ask you all to do the same.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker pro Tempore. I rise in support of AR 13. George Hawes came from the State of Maine, from where my folks also came. George Hawes was my teacher in White Pine County. I guess I can say that George taught me well; some of you might think he didn't do too well. I personally think he did really well. He was a great guy and I certainly miss him here in the halls of the Assembly. When my fellow Assembly members go to deliver this resolution, I sure would be glad to accompany you. Thank you.

ASSEMBLYWOMAN PARNELL:

Thank you, Mr. Speaker pro Tempore. I applaud my colleague from Las Vegas to bring this resolution before the Body. I think the great thing about George, and everybody in Carson City that was even a little bit politically involved knew, were the years that George gave to the political process. I think we should honor anyone who sticks with it and tries to do what is right and tries to make life better for so many people. It was only about a year ago that they had a celebration at Carson Tahoe Hospital in his honor. He showed up in his wheelchair and was still telling people what he thought they should be doing. I applaud that energy from anyone. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support AR 13. I really miss, as we all do, Mr. Hawes coming here. Almost every single session he came to visit. If you remember, he was dressed in an absolutely dapper fashion. Usually red. Red tie. Vest that was plaid. He just gave honor to all of us by the way he acted and the way he dressed. He held great respect for this Body and showed great respect for us and we really miss him being here. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker pro Tempore. I join in supporting AR 13. I particularly wish to applaud George Hawes for his unfailing belief that the political process does, in fact, help to improve society. That is something that he's proved as both a politician and as a lobbyist in all aspects of his life. Thank you.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker pro Tempore. I remember meeting George, I think it was my first session. I was elected the same year as my colleague from Elko. I remember during that period of time he was a hospital trustee. That is one of the reasons he came to me besides the fact the was a "yellow dog" Democrat, as my colleague from Las Vegas pointed out. I wanted to ask, are any of his relatives here? They're not? Well, I didn't know he was in a nursing home. If anyone sees him, please tell him hello.

Resolution adopted unanimously.

By Assemblymen Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 34—Recognizing May 16, 2001, as Peace Officers' Memorial Day in Nevada.

WHEREAS, Of all the promises America offers, none is more precious or more elusive than the right to be free from crime and violence; and

WHEREAS, The dedicated men and women who have chosen law enforcement as a career face extraordinary risk and danger in preserving our freedom and security; and

WHEREAS, Seeing a need to honor those who died trying to make a safer life for American citizens, on October 1, 1962, President John F. Kennedy signed Public Law 87-726 designating National Police Week and National Peace Officers' Memorial Day; and

WHEREAS, In 1994, the United States Congress and President William J. Clinton approved Public Law 103-322 directing that the flag of the United States be displayed at half-staff on all government buildings on May 15 each year as a special tribute to the brave men and women who died upholding our laws and preserving public safety; and

WHEREAS, This year marks the 13th annual candlelight vigil held at the National Law Enforcement Officers' Memorial in Washington, D.C., where, each year since 1982, thousands gather to salute all of America's law enforcement heroes, both past and present; and

WHEREAS, During the week of May 13 through May 19, 2001, National Police Week will be observed throughout the nation to increase public awareness of the duties, responsibilities, hazards and sacrifices of our nation's peace officers and to provide the opportunity to appreciate the heroic men and women who have dedicated their lives to preserving public safety; and

WHEREAS, As part of the observance of National Police Week, May 16, 2001, has been designated as Peace Officers' Memorial Day in Nevada to commemorate those noble officers who have made the ultimate sacrifice in service to their community; and

WHEREAS, The tragic loss felt when a peace officer is killed in the line of duty is expressed in these poignant words from a poem by Harry Koch:

Yes, somebody killed a policeman today,
It happened in your town or mine.
While we slept in comfort behind our locked doors,
A cop put his life on the line.
Now, his ghost walks a beat on a dark city street,

And he stands at each new rookie's side.
He answered the call and gave us his all,
And a part of America died.

Now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature do hereby recognize May 16, 2001, as Peace Officers' Memorial Day in the State of Nevada; and be it further

RESOLVED, That during the week of May 13 through May 19, 2001, all residents of this state are urged to attend the ceremonies honoring those persons who gave their lives while preserving our safety, and are encouraged to express appreciation to those who continue to face death every day in their dedication to making Nevada a safer place in which to live.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Hettrick, Goldwater, Chowning, Anderson, Gustavson, Nolan, Cegavske, Oceguela and Ohrenschall.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. I know it's no secret that in my day job I work in a law enforcement capacity. It's with that experience that I bring to you the comments I'm going to make in support of this resolution. In 1861, when Nevada was still a territory, we lost the first law enforcement officer in the line of duty. Since then, we have lost almost 100 more. Twenty have been lost in my brief tenure as a law enforcement officer for the City of Henderson. I truly do appreciate those who put forth the efforts in our communities to create a safer environment for all of us. Let me, as well, provide my heartfelt thanks to those who made the memorial on our capitol grounds a reality. I remember what a struggle it was to bring that about.

We enjoy the quality of life and the relative safety that we do, in our own communities, today because of those who have paid the ultimate sacrifice. I remember where I was and how I felt each and every time I heard about one of the members of law enforcement who lost their lives in the line of duty. I can remember the officer's names, where I was standing or sitting and the circumstances of what I was doing at the time. It's one those things that engrains in your mind when someone in a family like that is lost.

They're not perfect. We hire them from the human race. They make mistakes and sometimes face criticism. That's okay, but we always need to remember why they're here and what they are doing. Every single day that they go out to provide a safer community for us, they face the potential of not coming home.

Let me finish, Mr. Speaker pro Tempore, by indicating to you that as much as we would pray that another tragedy will not occur and we will not add another name to that memorial just north of here—we know that it is not going to happen. It is inevitable. It's the society we live in. I think it is important that we remember those who have given their lives for us and we remember why they did it and that we always remember them; that we remember their names. We have these services every year so that our children and our grandchildren will understand who they were, what they stood for, and how important it is to our entire collective society and our quality of life. For those reasons, and many more, Mr. Speaker pro Tempore, I urge support of this resolution.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 34. I think most of you know when I had my son on the floor. I am quite proud of him. He's a police officer in Douglas County. I certainly fear for the possibility of his name being added to something like this, so I just would rise and say we owe the people involved in protecting us a vote of our gratitude and our recognition of their efforts. Thank you.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker pro Tempore. I rise in support of this resolution. I was just starting out in the Legislature and got a phone call from my father, who was a lifelong Las Vegas. He came to Las Vegas in the early 1950s. He said, "David, I have an interesting problem. I used to be on a board in the mid-1960s, they called it the "Blue Coats." The "Blue Coats" was an organization that was formed to help out the families of fallen law enforcement officers. In those days, apparently, he explained to me, we didn't do much to take care of the families and the people that were left behind when law enforcement officers made the ultimate sacrifice. The problem he had was that the balance in the "Blue Coat" account over the course of 20 years of accruing interest and not spending any principal, had grown too high. They didn't know what to do with the money. They needed to figure out a way to invest the money some place else and find a way to give it away. I think I ended up recommending some scholarship programs or something like that.

It brought to mind how far we have come in appreciating what law enforcement officers do for us. Now we have programs in state government, federal government, and county government that provide for these things that at one time were not provided for. A lot of people will say we can't thank you enough. That is true. We can thank law enforcement officers by providing them with the resources they need to do their jobs; and understanding for the things the Speaker pointed out—it's not a perfect world and there's a great deal more that goes on in this world than we sometimes have the understanding of. So, we need to have the ability to understand, provide them with proper pay, with proper benefits and to make sure that we always remember very few of us put our lives on the line every day when we go to work. Those people that do put their lives on the line deserve special appreciation from the people who benefit from it.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker pro Tempore. I stand in firm support of this resolution and in support of all of our law enforcement officers. Most especially, in the honor of a young man in my city named Raul Alexjandro, who was tragically cut down at only 23 years of age. It's very, very hard at any age, but at 23 your life has just begun. He was so very, very proud of the work that he planned on doing for the rest of his life. Now there has been a school named after him and that's just one of the ways our city has chosen to honor him. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker pro Tempore. I rise in support of the resolution. As the chairman of the committee that sends police officers in harms way, it would be negligent of me not to support the resolution. In listening to the other speakers I note the tremor of the voice in my colleague from District 39 and the emotional response from my colleague from District 28. I am mindful of the fact that the families of these men have to live in the shadow of the reality they don't want to talk about—that their beloved is going out into the world. It is when you least expect it that call is going to come. When they come here, look at these memorials, and listen to these remarks, it seems hollow compared to the sacrifice they make each and every day. I rise not only to support the officers who do this for us, but the families who have to stay and live. It is a small little salute that we can give for the sacrifice that these men make and have made for our State and our country.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker pro Tempore. I also rise in support of ACR 34. Many of you already know that I have a daughter and her husband that are in law enforcement; therefore, I stand in great support of this resolution. We have many great men and women that are willing to go out there and put their lives on the line for us, to protect us, you and I, from our everyday living. We never know what could happen to them. As a parent of one who is in law enforcement you never know when that phone call may come. You pray hopefully everyday that it never will come. I do stand in support of this resolution and ask everyone else to support it.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of this resolution. Having worked alongside many of these people during my career in the emergency services, I have had the

unfortunate duty to respond to many of them when they have been injured. I remember at the age of 19 responding to the first police officer shooting at the Mark Twain Bar in Las Vegas where an undercover officer was shot. As we were rushing him to the hospital he asked me to relate to his family that he loved them and to tell that to his family. He passed away before we got to the hospital. Unfortunately, I saw that scene a number of times—responding to two police officers shot in a bar in North Las Vegas, and to officer Mark Carey who was gunned down while pursuing a suspect.

To see these fallen men and women, the proud strong icons of our law and justice system, gives me a sinking feeling. For each one injured we eat away a little bit at the system of law in this country. It is terrifying to know that there are people out there whose purpose is to do these people harm. To whatever degree we in this body can afford them the protection and support they deserve, I know it is our commitment to do so. On behalf of myself, and I'm sure I can say all of the good and peace loving citizens in this State we commend you. Thank you for the work that you do every day. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 34. It has been my privilege to get to know several of the officers through the Southwest Area Command. I sit on the advisory board. I have also been able to do some of the ride-alongs. If you have not gone on a ride-along with Bobby G you have not had a ride-along experience. I was also able to go on one of the drug raids. I realized that for over a year's time these officers from all facets had to plan what they were going to do, how many different things they had to think of, what would go right, what would go wrong and then knowing that they really didn't know for sure what was going to happen in each stop. I got to know each officer individually and know what they go through and what their families must go through each time they walk out the door. I stand in great admiration of all of them. I thank every one of them for what they do and who they are. I want to share with this body that my youngest son told us on Sunday that he is applying for the cadet school. I am very proud of him and support him. Thank you.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker. I, too, like several of my colleagues have been in the public safety business for several years. I was lucky enough to get on at an early age, right after college. One of my good friends tried for several years to get into public safety. We were college buddies; we were in the fraternity together and got hazed, which we can't do any more because of legislation we have enacted. I wrote him a letter of recommendation to get on the North Las Vegas Police Department. He rode with me, I rode with him. I was unfortunate enough to be called to his demise. It is the same colleague my friend from North Las Vegas described, Raul Alexjandro. It was very difficult to put my thoughts together when thinking about this resolution. One of the worst calls you can ever go on is a call of an officer down. I stand in support of this resolution and the men and women who serve.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, support ACR 34. Having had the honor and privilege of teaching many classes of criminal law and criminal evidence to police officers at the Clark County Community College, I can tell you I don't know any other group of individuals who are so dedicated to the community. They are so willing to assist, not just by risking their lives in areas of law enforcement, but also on their own time on anything that needs to be done. I am totally overwhelmed by what I have seen among these officers.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 34 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Joint Resolution No. 13.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Senate Concurrent Resolution No. 18.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywoman Parnell.

Resolution adopted.

Assemblyman Parks moved that the reading of histories on all Bills and Joint Resolutions on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 393.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sec. 4 as sec. 7 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 31A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The state treasurer shall charge an obligor a fee of \$2 for each withholding of income for the payment of support made by an employer pursuant to this chapter.*

2. *All such fees received by the state treasurer from employers pursuant to NRS 31A.080 must be accounted for separately in the state general fund.*

3. *The account created pursuant to subsection 2 must be administered by the state welfare administrator. The money in the account must be distributed among the welfare division and the district attorneys of the respective counties of this state pursuant to regulations adopted by the state welfare administrator pursuant to NRS 425.365.*

Sec. 2. NRS 31A.070 is hereby amended to read as follows:

31A.070 1. The enforcing authority shall mail, by first-class mail, a notice to withhold income to an obligor's employer:

(a) If the provisions of subsection 2 of NRS 31A.025 apply, immediately upon determining that the obligor is delinquent in the payment of support; or

(b) If the provisions of subsection 2 of NRS 31A.025 do not apply, immediately upon the entry of the order of support.

2. If an employer of an obligor does not begin to withhold income from the obligor after receiving the notice to withhold income that was mailed

pursuant to subsection 1, the enforcing authority shall mail, by certified mail, return receipt requested, another notice to withhold income to the employer.

3. A notice to withhold income may be issued electronically and must:

- (a) Contain the social security number of the obligor;
- (b) Specify the amount to be withheld from the income of the obligor;
- (c) Specify the [amount of the fee] *amounts of the fees* authorized in NRS 31A.090 [for the employer;] *and section 1 of this act*;

(d) Describe the limitation for withholding income prescribed in NRS 31.295;

(e) Describe the prohibition against terminating the employment of an obligor because of withholding and the penalties for wrongfully refusing to withhold pursuant to the notice to withhold income;

(f) Specify that, pursuant to NRS 31A.160, the withholding of income to enforce an order of a court for child support has priority over other proceedings against the same money; and

(g) Explain the duties of an employer upon the receipt of the notice to withhold income.

Sec. 3. NRS 31A.080 is hereby amended to read as follows:

31A.080 An employer who receives a notice to withhold income shall:

1. Withhold the amount stated in the notice from the income due the obligor beginning with the first pay period that occurs within 14 days after the date the notice was mailed to the employer and continuing until the enforcing authority notifies him to discontinue the withholding;

2. Deliver the money withheld to the enforcing authority within 7 days after the date of each payment of the regularly scheduled payroll of the employer; [and]

3. Notify the enforcing authority when the obligor subject to withholding terminates his employment, and provide the last known address of the obligor and the name of any new employer of the obligor, if known [.];

4. *Deduct from the amount paid to the obligor the fee set forth in section 1 of this act; and*

5. *Deliver to the state treasurer, at least quarterly, all money deducted as fees pursuant to subsection 4.*

Sec. 4. NRS 31A.090 is hereby amended to read as follows:

31A.090 1. A notice to withhold income is binding upon any employer of an obligor to whom it is mailed. To reimburse the employer for his costs in making the withholding, he may deduct \$3 from the amount paid the obligor each time he makes a withholding.

2. If an employer receives notices to withhold income for more than one employee, he may [pay the] *consolidate the amounts of money that are payable to:*

(a) *The enforcing authority [the amounts withheld] and pay those amounts with one [check, but he] check; and*

(b) *The state treasurer and pay those amounts with one check,*

but the employer shall attach to [the] each check a statement identifying , by name and social security number, each obligor for whom payment is made and the amount transmitted for that obligor.

3. An employer shall cooperate with and provide relevant information to an enforcing authority as necessary to enable it to enforce an obligation of support. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

Sec. 5. NRS 425.365 is hereby amended to read as follows:

425.365 The administrator [may] :

1. May adopt such regulations and take such actions as are necessary to carry out the provisions of this chapter.

2. *Shall adopt regulations governing the distribution of money in the account created pursuant to section 1 of this act among the division and the district attorneys of the respective counties of this state.*

Sec. 6. The amendatory provisions of this act apply to a withholding of income for the payment of support for a child that is withheld on or after July 1, 2001.”

Amend the title of the bill to read as follows:

“AN ACT relating to children; imposing a fee each time an employer withholds income for the payment of support for a child; providing for the collection and administration of that fee; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Imposes fee each time employer withholds income for payment of support for child. (BDR 3-110)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 605.

Bill read second time and ordered to third reading.

Senate Bill No. 2.

Bill read second time and ordered to third reading.

Senate Bill No. 28.

Bill read second time and ordered to third reading.

Senate Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 739.

Amend sec. 29, page 22, line 17, by deleting “\$125.” and inserting “\$75.”

Amend sec. 75, page 37, line 17, by deleting “\$125.” and inserting “\$75.”

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 668.

Amend section 1, page 2, by deleting lines 13 through 15 and inserting:

“registered in that county. The money may be used by the county only:

(a) For programs that are approved by the board of county commissioners for the adoption of animals and for the spaying and neutering of animals.

(b) To make grants to nonprofit organizations to carry out the programs described in paragraph (a).”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 745.

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. Sections 2 and 3 of Senate Bill No. 414 of this session are hereby amended to read as follows:

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications he receives to the department within the period prescribed by the department;

(b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

- (a) Charge any additional fee for the performance of those services;
 - (b) Receive compensation from the department for the performance of those services;
 - (c) Accept applications for the renewal of registration of a motor vehicle;
- or
- (d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive, and section 1 of *Senate Bill No. 54 of this session and section 1 of this act*; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the department.

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, and section 1 of *Senate Bill No. 54 of this session and section 1 of this act*, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set."

Amend sec. 5, page 4, by deleting lines 7 through 11 and inserting:

"Sec. 6. 1. This section and sections 1, 3 and 5 of this act become effective on July 1, 2001.

2. Section 2 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3. Section 4 of this act becomes effective at 12:02 a.m. on July 1, 2001.

4. The amendatory provisions of this act expire by limitation on July 1,".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 730.

Amend sec. 2, page 1, line 5, by deleting: "*zoning regulations and*".

Amend sec. 3, page 1, by deleting lines 13 and 14 and inserting: "*the enforcement of building codes pursuant to NRS 278.570, 278.573 and 278.575, the city or*".

Amend sec. 3, page 2, by deleting lines 24 through 26 and inserting: "*inspection of structures and the enforcement of building codes pursuant to NRS 278.570, 278.573 and 278.575, the city or county shall, by resolution, establish the*".

Amend sec. 9, page 3, line 46 by deleting: "For such purpose" and inserting: "For [such] *the purpose of the inspection of structures and the enforcement of building codes by means of the withholding of building permits,*".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions relating to enforcement of building codes by cities and counties. (BDR 22-240)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 267.

Bill read second time and ordered to third reading.

Senate Bill No. 283.

Bill read second time and ordered to third reading.

Senate Bill No. 327.

Bill read second time and ordered to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 378.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 724.

Amend sec. 2, page 1, by deleting lines 6 through 11 and inserting: *“vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:*

(a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or

(b) In the absence of such a designated turnout, at the nearest place where:

(1) Sufficient area for a safe turnout exists; and

(2) The circumstances and conditions are such that the driver is able to turn off the roadway in a safe manner.”.

Amend sec. 6, page 3, by deleting lines 9 and 10 and inserting *“subsection 1.”.*

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

The following amendment was proposed by Assemblyman Gustavson.

Amendment No. 738.

Amend the bill as a whole by renumbering sections 7 and 8 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 486.231 is hereby amended to read as follows:

486.231 1. The department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as *otherwise* provided in this section, when any motorcycle, except a trimobile or moped, is being driven on a highway, the driver and passenger shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields meeting those standards. Drivers and passengers of trimobiles shall wear protective glasses, goggles or face shields which meet those standards.

3. When a motorcycle or a trimobile is equipped with a transparent windscreen meeting those standards, the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel motorcycle, on which the driver and passengers ride within an enclosed cab, is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

6. *A driver of a motorcycle is not required to wear protective headgear if he:*

- (a) Is 21 years of age or older; and*
- (b) Is licensed to drive a motorcycle.*

7. *The passenger on a motorcycle is not required to wear protective headgear if:*

- (a) The passenger is 21 years of age or older; and*
- (b) The driver of the motorcycle is not required to wear protective headgear.”.*

Amend the title of the bill, seventh line, after “circumstances;” by inserting: “limiting the requirement for drivers and passengers of motorcycles to wear protective headgear;”.

Assemblyman Gustavson moved the adoption of the amendment.

Remarks by Assemblyman Gustavson.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Amendment lost on a division of the House.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 361.

The following Senate amendment was read:

Amendment No. 653.

Amend section 1, page 1, by deleting lines 4 through 12 and inserting:

“(a) Shall, on or before February 16 of each year, file with the department a statement showing the gross yield and claimed net proceeds from each geographically separate operation where a mineral is extracted by that person during the calendar year immediately preceding the year in which the statement is filed.”.

Amend section 1, page 1, by deleting lines 18 and 19 and inserting:

“(a) Show the claimed deductions from the gross yield in the”.

Amend section 1, page 2, lines 4 and 5 by deleting: “*subparagraph (1) of paragraph (a) of*”.

Amend section 1, page 2, by deleting lines 9 through 14.

Amend sec. 5, page 5, by deleting line 7 and inserting:

“Sec. 5. NRS 362.145 is hereby repealed.”.

Amend the text of repealed sections by deleting the text of NRS 362.115.

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 361.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 337.

The following Senate amendment was read:

Amendment No. 713.

Amend sec. 3, page 2, line 15, after “violation.” by inserting: “The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney’s fees and costs.”.

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. 1. This section and sections 1, 2 and 4 of this act become effective on July 1, 2001.

2. Section 3 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 337.

Remarks by Assemblyman Dini.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 487.

The following Senate amendment was read:

Amendment No. 660.

Amend sec. 2, page 2, line 16, after “5” by inserting “*working*”.

Amend sec. 3, page 2, line 42, after the semicolon by inserting “*and*”.

Amend sec. 3, page 2, line 44, by deleting “*candidate; and*” and inserting “*candidate*.”.

Amend sec. 3, page 2, by deleting lines 45 and 46.

Amend sec. 8, page 6, line 25, after “5” by inserting “*working*”.

Amend sec. 9, page 7, line 21, after the semicolon by inserting “*and*”.

Amend sec. 9, page 7, line 23, by deleting “*candidate; and*” and inserting “*candidate*.”.

Amend sec. 9, page 7, by deleting lines 24 and 25.

Amend the title of the bill by deleting the sixth and seventh lines and inserting:

“documents is removed from the ballot and disqualified from his office; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning challenges of qualifications of certain candidates for office. (BDR 24-586)”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 487.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Concurrent Resolution No. 6.

The following Senate amendment was read:

Amendment No. 675.

Amend the preamble of the resolution, page 2, line 1, by deleting “567” and inserting “805”.

Amend the preamble of the resolution, page 2, line 3, by deleting “567;” and inserting “805;”.

Amend the preamble of the resolution, page 2, line 5, by deleting “567” and inserting “805”.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 6.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

SECOND READING AND AMENDMENT

Senate Bill No. 420.

Bill read second time and ordered to third reading.

Senate Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 740.

Amend the bill as a whole by deleting sections 16 through 18 and renumbering sections 19 and 20 as sections 16 and 17.

Amend the title of the bill by deleting the third and fourth lines and inserting:

“requirements; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Establishes prohibited and required conduct of person who uses skateboard park. (BDR 40-415)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 558.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 46.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 47.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 48.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 46.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Humke, Smith, de Braga and Cegavske.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker pro Tempore. I think those of us who have been here, remember that Jeanne was one of the hardest working employees at the Legislative Counsel Bureau. She made herself available to legislators and staff at the Legislature, no matter what the task. Although she was extremely busy and worked well into the night to complete her work, Jeanne never hesitated to take the time to assist anyone who asked—many times going beyond what was requested with the thoroughness that extended to all her efforts.

In addition to being an excellent employee, which many of our people are clearly aware of, Jeanne enjoyed living life. She had an enormous love for animals and she loved traveling. You

could see a sparkle in her eyes whenever she spoke about her dogs or her trips with her family and her loved ones.

Finally, Jeanne was a wonderful lady who enjoyed people and made friends easily. She gave enormously of her time to her friends and was always there to listen and give words of hope, advice and of her great wealth of knowledge about the fiscal matters of our area and its impact upon education.

Mr. Speaker pro Tempore, I was deeply saddened, as we all were, earlier this session when I heard of Jeanne's passing. I know she was respected and admired by all the members of this Body. We have all lost a wonderful friend. I think a park in her memory, of Jeanne, is a very appropriate way to honor this lovely lady. The particular park they have in mind is a lovely setting and I think reflects the character content of the lady that this resolution reflects.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of SCR 46. I was taken by the ideas expressed in the resolution of Jeanne looking out on the park. I think the idea expressed in the resolution of naming the park after her is just a wonderful idea—one of the truly good ideas that can come out of this Legislature. I second all the remarks made by the representative from Sparks. I would remind the members of Jeanne. She knew the education system so well in our State, that she was the one, along with the legislators involved, that knew how to reform the education system because she knew it so well. Personally, I heard her give many briefings to legislative committees and it was just a sincere pleasure to listen to her speak—to make the complex understandable for some of us at the Legislature. She certainly will be missed. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker pro Tempore. I rise in support of SCR 46. It's funny, because I have been connected to Jeanne Botts since I was a young girl. She was actually one of the Senior Leaders at my 4-H camp when I was in elementary school. Later, when she served on the Humboldt County School Board, I was serving on the Lander County School Board. Most importantly, when I became chairperson of the Council to Establish Academic Standards, I think my second meeting was with Jeanne Botts. I just thought, "Oh, my gosh!" She cracked the whip and kept us moving and in shape on that standards council for a long time. She was a walking encyclopedia and reference for us. She never tired. We had, as most people know, a very difficult first year at least. Jeanne persevered with us. I appreciated it very, very much. I can't think of a better thing to do than to name a park in her honor. As a citizen of Sparks, I will do what I can to help make that happen.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker pro Tempore. I rise in support of SCR 46 as well. It was my great pleasure to work closely with Jeanne Botts for several sessions—specifically on Legislative Education Committee and on the school district crisis in White Pine County. I was so impressed with her remarkable intelligence and her absolutely sparkling sense of humor. She could never be stumped with a question, she confronted problems with grace and resolve and she was always amazingly calm.

A little over a year ago, she and I attended a public meeting and we were both in wheelchairs. I had just had an accident at the time. Jeanne wheeled over to me to tell me how sorry she was that I had been injured. That about put me in tears. In spite of the rigors of her own terminal illness, she was genuinely concerned about my minor problem.

We watched her become more and more disabled, but with that wonderful mind still intact. I can't begin to imagine how she endured what she endured. She will be long remembered here for her contributions to this process, but even more lasting will be the memory of her unbelievable courage, which should serve as inspiration to us all. To name a park for her would be most fitting. It would reflect her peaceful personality and would be the perfect tribute to this truly great lady.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker pro Tempore. I rise in support of SCR 46. It was my pleasure to spend my first session in 1997 getting to know Jeanne Botts. She was incredible, especially the knowledge she had on education issues. It is such a loss for the State of Nevada. She was one who knew everything about education, whether you agreed with her or not. She could debate you and take you to task on any subject that had to do with education. She was strong, she was composed—always. I not only enjoyed working with her but learning from her. In every educational bill that we look at and we address, I definitely think of Jeanne and often think to myself, “What would she think about this issue? Where would she direct us? Where would she send us to look for more information?” With that, Mr. Speaker pro Tempore, just to say that she is missed and is a colleague that we all will remember. Thank you.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 47.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywoman Parnell.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN PARNELL:

Thank you, Mr. Speaker pro Tempore. Dr. William Van Patten served both our country and this community well. After serving in the United States Air Force he began his very long, distinguished 39-year career as one of Carson City’s local, respected optometrists. He also found 11 years of his life to give to the Carson City School District. It was there that I first met Dr. Van Patten. I came here in 1976 and started substituting and got involved politically early on in the school district and he was at that point in time still serving on the board.

He did find a couple of years to enjoy himself after he retired. He spent much of his time golfing, often in Palm Springs. But I look at Dr. Van Patten’s life and I really have to say, and his children don’t know I’m going to say this, but I think perhaps his children are his greatest legacy. Both decided to follow in their father’s footsteps and join the medical arena. His son is now a respected local dentist—my dentist. His daughter has taken his place, and has become a very well respected, wonderful local optometrist. I urge you all to support this resolution on behalf of the Van Patten family. Thank you, Mr. Speaker pro Tempore.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 48.

Assemblyman Brower moved the adoption of the resolution.

Remarks by Assemblyman Brower.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BROWER:

Thank you very much, Mr. Speaker pro Tempore. It is my honor to rise in support of SCR 48. Dennis Kollar served as a dedicated law enforcement officer for over 25 years, as the resolution states. The last seven years of his life were devoted to serving the law enforcement community in the State of Nevada. For all the reasons articulated by the Speaker and others earlier this afternoon, Mr. Kollar’s distinguished career is worthy of our recognition today.

There are a couple of other things I want to mention about Mr. Kollar that are also worthy of our recognition today. We, as a country, and I myself and many members of this body often take the opportunity to commend and honor our World War II veterans. That is with good reason. We have two such heroes in this Body and they’re worthy of our honor at every opportunity. What we don’t do enough of, as a country, in my opinion, is honor our Vietnam Veterans. As you heard, Mr. Kollar served his country in Vietnam with the United States Army. I think that when we recognize Dennis, today, we should remember him, not only as a dedicated cop for many

years but in a positive way as a Vietnam Veteran and as a patriot who, when his country called him to service, rose to the occasion and served. Thank you, Mr. Speaker pro Tempore.

Resolution adopted unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 177, 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 313.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 700.

Amend section 1, page 2, by deleting lines 17 through 19 and inserting: "*in this state.*".

Amend sec. 4, page 4, by deleting lines 12 through 18 and inserting: "*of his employment if the employee has been continuously employed for 5 years or more as a full-time salaried fireman or emergency medical attendant in this state before the date of any temporary or permanent disability or death resulting from the hepatitis.*".

Amend sec. 4, page 4, line 26, by deleting "*or volunteer*".

Amend sec. 5, page 5, by deleting lines 14 through 16 and inserting: "*attendant in this state; or*".

Amend sec. 5, page 5, by deleting lines 18 through 21 and inserting: "*a full-time salaried fireman or emergency medical attendant in this state,*".

Amend sec. 5, page 5, by deleting lines 30 through 33 and inserting: "*or emergency medical attendant in this state,*".

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 123, 191, 197, 329, 471, 492, 554 and 561 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 523 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 618.

Bill read third time.

Remarks by Assemblymen Dini and Goldwater.

Conflict of interest declared by Assemblyman Goldwater.

Roll call on Assembly Bill No. 618:

YEAS—35.

NAYS—Angle, Gustavson—2.

NOT VOTING—Goldwater.

EXCUSED—Gibbons, Hettrick, Marvel, Perkins—4.

Assembly Bill No. 618 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 665 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 665.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Gould, Stephanie Adamson, Peggy Dehl and Alice Molasky-Arman.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Adrienne Cox, Carol Stillian and Fritz Reese.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Kollar and Cathy Kollar.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Adams and Legislative Police Chief Gary Metz.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Flynn.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to William Van Patten, Jr., Katrina Van Patten-Copoulos and Sergeant Ronald Johns.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Crawford, Colonel Mike Hood, Sheriff Dennis Balaam, Sheriff Jerry Keller, Stu Hante, Michael Cleveland, Dave Burns, Mike Brown, Dave Kallis, Len Nevin, Mike Neville, Phil Gervasi, Mike Gillins, Gretta Fye, Brad Walsh, Mike Sheldon, Mike Murphy, Ed Brown, Steve Turner, Ron Johns, Carl Barrett, Eric Hutt, Steve Barr, Mike Ervin, Rick Umberger, Richard Kirkland, Tami Evans and Deke Dimarzo.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Bellie Unger, Trevor Stiles, Tom Cates, Vena Davidson, Richard Rossi, Jeremiah Bell, Bob Coleman, Todd Craig, Sarah Dyer, Joey Light, Alicia McGraw, Christie McVey, Nick Novich, Bryan Pincolini, Nina Raisi, Dawn Richardson, Jonathan Ruyle, Jayme Salcedo, Agustin Santos, James Smith, John Smith, Joey Tuason, Shawn Samaniego, Mike Brookshire, David Donahue, Andrew Moorhead, Andrew Pointer, Diana Sawyer, John Taylor, Jonathan Terry, Gaudy Velasquez, Jason Yerxa, Jacklyn Bawer, John Diggs, Travis Foster, Caleb Gault, Nadine Ghera, Angela Leou, Erica Maisel and Zach Sutherland.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Yeary.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 18, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:14 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON

Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 18, 2001

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Steve Mitchell.

Dear Heavenly Father, we rejoice in this day that You have made, and we are glad for it. We are grateful for Your unchanging faithfulness. We know that You are reliable. We thank You for Your mercy and goodness toward us and we praise You for Your generous provisions for us, both spiritual and physical. May Your wisdom guide this body as they serve in this Assembly. May their gifts and abilities be used for the betterment of the State of Nevada. We ask this in Your most Precious Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 255, 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 101, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 357, 533, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 70, 156, 222, 376, 389, 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Senate Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Taxation, to which was referred Senate Joint Resolution No. 11 of the 70th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 144, 250, 415, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 34.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 261.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 17, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 63, 83, 93, 95, 108, 110, 117, 163.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 54, Amendment No. 663; Assembly Bill No. 105, Amendment No. 664; Assembly Bill No. 128, Amendment No. 715; Assembly Bill No. 377, Amendment No. 674, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 135, 247, 461.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 88 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 482 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 563 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

NOTICE OF EXEMPTION

May 18, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 306, 366.

MARK STEVENS
Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by Senator Mark A. James.

For: A New BDR No. 7-1547 concerning: Revise provisions governing business organizations.

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).

Subsection 2 of Joint Standing Rule No. 14 (50 BDRs for committees of each house requested by 22nd day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 71st day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rules Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 11, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 135.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 247.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 261.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 461.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that the reading of histories on all Bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 285.

Bill read second time and ordered to third reading.

Senate Bill No. 57.

Bill read second time and ordered to third reading.

Senate Bill No. 119.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 219 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 678.

Amend sec. 2, page 1, line 19, by deleting "*The*" and inserting: "*Except as otherwise provided in subsections 5 and 6 and NRS 171.1772, the*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 251.

Bill read second time and ordered to third reading.

Senate Bill No. 424.

Bill read second time and ordered to third reading.

Senate Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 718.

Amend section 1, page 2, lines 20 and 21, by deleting: "*based upon a percentage*" and inserting: "*which must not exceed 1.5 percent*".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 540.

Bill read second time and ordered to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblymen Carpenter and Anderson.

Assemblyman Arberry moved that Assembly Bill No. 69 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 28 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 54 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 177:

YEAS—42.

NAYS—None.

Assembly Bill No. 177 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Potential conflict of interest declared by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 313:

YEAS—42.

NAYS—None.

Assembly Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 558.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 764.

Amend section 1, page 1, line 5, by deleting “\$368.75” and inserting “\$357.50”.

Amend sec. 2, page 1, line 11, by deleting “\$208.92” and inserting “\$202.34”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 605.

Bill read third time.

Roll call on Assembly Bill No. 605:

YEAS—42.

NAYS—None.

Assembly Bill No. 605 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 665.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Hettrick, Carpenter, de Braga and Dini.

Assemblyman Dini requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. AB 665 is a bill that is fair and constitutional. It is a solid plan that accomplishes the two most important goals of redistricting. First and foremost, it provides equal representation for all Nevadans. The second goal accomplished by this plan is compliance with the Voting Rights Act. Thirdly, the population variation between the largest and smallest district is less than 2 percent. That is why we are confident the bill and plan it contains will meet every constitutional test. In drafting this bill, our first step in the process was to fulfill our legislative duty as set forth to determine the size of the Legislature. As we all know, the law states that it is the Legislature's responsibility to determine the size and AB 665 maintains the current size. We believe the plan, which continues to have a 42 member Assembly and 21 member Senate, ensures one person, one vote. The plan has districts that are contiguous and preserve neighborhoods. It provides communities of interest the opportunity to elect a candidate that they best feel represents their interest. We believe this plan or any plan that could command a majority of this Assembly will provide the opportunity for a variety of constituencies to elect the representative of their choice. This is especially true in Nevada's growing Hispanic community.

AB 665 creates a new Senate seat with no incumbent, which happens to also contain Hispanic population which ensures an effective majority in that district so the population has the opportunity to elect a candidate of their choosing. We preserve the seats represented by the African American community. There are six open seats in Clark County, which we believe afford the opportunity for various groups to sponsor and elect someone representing their community of interest. AB 665 also revises the districts for representatives in Congress. The measure creates a new third Congressional seat within Clark County. The plan contains an overall range of deviation of 0 percent (36 people), from the ideal population of 666,086 people per Congressional district and complies with the equal population criteria established by the United States Supreme Court. The measure also adds to Chapter 304 of the Nevada Revised Statutes the definitions of block, block group and census tract for the purposes of reapportioning and redistricting Congressional districts. The bill makes it clear that each state Senator who was elected on November 7, 2000 shall serve the remainder of his or her term and specifies that those Senators shall represent the new districts in which they reside beginning on the date of the next general election, November 6, 2002.

Finally, AB 665 specifies that the current term of the Senator elected from the Clark County Senatorial District No. 5 expires on November 6, 2002 and sets forth the beginning and ending terms for the three open Senate seats proposed under this plan. We will continue working with groups throughout this process. As we all know, all legislation is a work in progress and I would urge your support of AB 665.

ASSEMBLYMAN HETRICK:

Thank you, Mr. Speaker. I rise in opposition to AB 665. I would simply say that as my colleague from Assembly District 9 testified in committee when we heard this bill, it's a great place to begin negotiating from. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. Because Assemblyman Marvel and I have to share a district, I have mixed emotions. It might not be too bad of an idea. I can serve the first 60 days when we get paid and I'll let him come the rest of the time. He says, "We'll flip." I think, because I'm the junior member, I get to come first.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. I rise in opposition to AB 665, but after hearing the comments from my colleague from Elko, I might change my mind. I realize this is just a starting place but I have to argue for the loss of rural seats that would occur in keeping the same number of seats in the Legislature. My only interest is in preserving as much of the integrity of those districts as now exists. They are already tremendously large and I think it undermines rural representation.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I think I wanted to say about the same thing as my colleague from Assembly District No. 35 said, although I'm going to vote for the bill. I think in the long run we

will negotiate this thing into something more workable. I was the first one who spoke up for adding more seats to the numbers. We haven't found the magic number yet, but there are better alternatives than 42, from those of us who come from rural Nevada. I think that the districts are too big and it compacts us in the western part of the state, and crunches us against the western borders. I don't think it is the best possible plan that we could have without adding numbers. So I will put my protest in that we need to add numbers to give the rural people a chance to have some effective representation.

Roll call on Assembly Bill No. 665:

YEAS—25.

NAYS—Angle, Beers, Berman, Brower, Brown, Carpenter, Cegavske, de Braga, Gibbons, Gustavson, Hettrick, Humke, Marvel, Nolan, Parnell, Tiffany, Von Tobel—17.

Assembly Bill No. 665 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 2.

Bill read third time.

Remarks by Assemblymen Leslie, Freeman and Mortenson.

Roll call on Senate Bill No. 2:

YEAS—40.

NAYS—Angle, Gustavson—2.

Senate Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 51.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 51:

YEAS—41.

NAYS—None.

NOT VOTING—Goldwater.

Senate Bill No. 51 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 123.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 123:

YEAS—39.

NAYS—Angle, Gustavson—2.

NOT VOTING—Goldwater.

Senate Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 163:

YEAS—42.

NAYS—None.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 200 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 191.

Bill read third time.

Remarks by Assemblymen Cegavske, Buckley, Anderson, Freeman and Koivisto.

Assemblywoman Freeman moved that Senate Bill No. 191 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblyman Oceguela.

Roll call on Senate Bill No. 197:

YEAS—42.

NAYS—None.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 267:

YEAS—42.

NAYS—None.

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Remarks by Assemblymen Oceguela, Dini and Price.

Potential conflict of interest declared by Assemblyman Dini.

Roll call on Senate Bill No. 283:

YEAS—42.

NAYS—None.

Senate Bill No. 283 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 327.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 327:

YEAS—42.

NAYS—None.

Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 329.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 329:

YEAS—42.

NAYS—None.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 358.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 358:

YEAS—42.

NAYS—None.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 378.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Senate Bill No. 378:

YEAS—42.

NAYS—None.

Senate Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Remarks by Assemblymen Carpenter and Chowning.

Assemblywoman Chowning moved that Senate Bill No. 396 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Senate Bill No. 420:

YEAS—42.

NAYS—None.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblymen Bache, Price and Parnell.

Roll call on Senate Bill No. 471:

YEAS—37.

NAYS—Claborn, Collins, Neighbors, Parnell, Smith—5.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 541 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 492.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 492:

YEAS—42.

NAYS—None.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 523.

Bill read third time.

Remarks by Assemblymen Chowning, Giunchigliani and Goldwater.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 523:

YEAS—42.

NAYS—None.

Senate Bill No. 523 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 231 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 234 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 554.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 554:

YEAS—42.

NAYS—None.

Senate Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 558.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 558:

YEAS—41.

NAYS—Collins.

Senate Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 561.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 561:

YEAS—42.

NAYS—None.

Senate Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 563.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 786.

Amend the bill as a whole by deleting sections 9 through 11 and adding:

“Secs. 9-11. (Deleted by amendment.)”.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “service may collect certain fees; changing provisions relating to”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 200.

Bill read third time.

Roll call on Senate Bill No. 200:

YEAS—42.

NAYS—None.

Senate Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 396 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 541.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 541:

YEAS—42.

NAYS—None.

Senate Bill No. 541 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 231:

YEAS—42.

NAYS—None.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 234.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 234:

YEAS—42.

NAYS—None.

Senate Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Assembly Select Committee on Energy.

For: Assembly Bill No. 661.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 71st day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).

With the following conditions:

May only be passed out of house of origin on or before May 23, 2001.

May only be passed out of second house on or before May 31, 2001.

Has been granted effective: May 18, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 660.

The following Senate amendment was read:

Amendment No. 688.

Amend section 1, page 1, line 18, by deleting “*The*” and inserting: “*Except as otherwise provided in subsection 5, the*”.

Amend section 1, page 2, line 12, after “5.” by inserting:

“The board of trustees of a school district may require a licensed teacher or other person licensed by the superintendent of public instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his fingerprints as a condition of return to or continued employment with the school district if the board of trustees has credible information that the person has committed a felony or an offense involving moral turpitude during the period of his leave of absence.”

6.”.

Amend section 1, page 2, line 20, by deleting: “[5 or] 6 *or* 7” and inserting: “[5 or 6] 7 *or* 8”.

Amend section 1, page 2, line 21, by deleting “6.” and inserting “7.”.

Amend section 1, page 2, line 36, by deleting “7.” and inserting “8.”.

Amend sec. 2, page 2, line 43, by deleting “5” and inserting “6”.

Amend the title of the bill, first line, after “prohibiting” by inserting: “under certain circumstances”.

Assemblyman Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 660.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 28, 56, 59, 61, 86, 96, 99, 101, 130, 160, 183, 200, 266, 299, 337, 361, 400, 427, 476, 481, 487, 497, 535, 538, 542, 549, 586, 631, 646, 657, 663; Assembly Concurrent Resolutions Nos. 6, 10; Senate Bills Nos. 20, 46, 75, 77, 172, 179, 183, 224, 324, 328, 394, 474, 503, 517, 521, 555; Senate Joint Resolution No. 1; Senate Concurrent Resolutions Nos. 18, 42, 43, 44, 45, 46, 47, 48.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Tamera Estill.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Risner, Roxanne Usher, Lupe Barnwell, Ellen Eng, Rex Jennings, Siobhan Fajayan, Shari Mariani, Sue Johnson, Hannah Dudley, Luke Echeverria, Nate Eng, Alyssa Fajayan, Meredith Hutchins, Andy Huynh, Tyler Jennings, Jennifer Johnson, Kelsey Mammen, Dominic Mariani, Shelly Mason, Taylor May, Zach Nevans, Meagan Nuckolls, Andrew Palmer, Evan Pearson, Saul Reyes, Shayna Ruybalid, Alyssa Schreiner, Hannah Shaw, Shane Smith, Laura Sosa, Deanna Davis, Dylan Young, Brenda Luquin, Cheree Kittle, Zachary Wells, Kenny Rees and Lay Mey Chho.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Irene A. Simvoulakis.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 22, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:58 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 22, 2001

Assembly called to order at 11:20 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Marvin Dennis.

God, You have given us another day to touch You; but more importantly, You have given us another day in which You can touch us. God, I ask that You will give Your blessing and presence to each of these who faithfully serve and give of themselves for our great state. May our lives reflect the fact that You have touched us with Your blessings. In the Name of my Wonderful Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 6, 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 274, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Senate Bills Nos. 27, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 298, 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 38, 531, 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 202, 530, 552, 568, 569, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 666; Senate Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 25, 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 301, 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and re-refer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 39, 122, 227, 381, 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Senate Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which were referred Senate Bills Nos. 317, 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 52, 250, 630, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 234, 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 641, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 196, 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Energy, to which was referred Assembly Bill No. 661, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Select Committee on Energy, to which were referred Senate Bills Nos. 211, 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 210, 364, 375, 458, 537, 571, 629; Assembly Joint Resolutions Nos. 7, 12, 13; Assembly Joint Resolutions Nos. 13, 26 of the 70th Session.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 47, Amendment No. 705; Assembly Bill No. 48, Amendment No. 802; Assembly Bill No. 154, Amendment No. 708; Assembly Bill No. 173, Amendment No. 716; Assembly Bill No. 214, Amendment No. 758; Assembly Bill No. 243, Amendment No. 701; Assembly Bill No. 277, Amendment No. 752; Assembly Bill No. 279, Amendment No. 706; Assembly Bill No. 345, Amendment No. 704; Assembly Bill No. 363, Amendment No. 707; Assembly Bill No. 415, Amendment No. 711; Assembly Bill No. 433, Amendment No. 702, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 699 to Senate Bill No. 91.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 22, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 500.

MARK STEVENS

Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by Senator William R. O'Donnell.

For: A New BDR No. 58-1557 concerning: Make various changes to provisions governing fully regulated carriers.

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).

Subsection 2 of Joint Standing Rule No. 14 (50 BDRs for committees of each house requested by 22nd day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 71st day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 82nd day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rules Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 18, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

Assemblywoman Buckley moved that the reading of histories on all Bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 666; Senate Bills Nos. 25, 26, 27, 38, 39, 65, 122, 196, 202, 211, 227, 238, 249, 288, 298, 299, 301, 303, 317, 330, 336, 372, 381, 406, 412, 466, 499, 524, 530, 531, 546, 548, 552, 556, 557, 560, 568 and 569 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 641; Senate Bill No. 525 be placed on the General File.

Motion carried.

Assemblyman Dini moved that Senate Bill No. 101 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 519 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 12:05 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 48.

Bill read second time and ordered to third reading.

Senate Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 741.

Amend sec. 20, page 3, line 4, after "*trusts;*" by inserting "*or*".

Amend sec. 20, page 3, by deleting lines 7 and 8 and inserting “104A.2532, inclusive.”.

Amend sec. 21, page 3, line 15, before “*The*” by inserting “1.”.

Amend sec. 21, page 3, between lines 17 and 18, by inserting:

“2. *The provisions of section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 101 et seq., apply under this chapter to a transaction in which a natural person acquires goods or services that are used primarily for personal, family or household purposes.*”.

Amend sec. 24, pages 3 and 4, by deleting lines 47 through 49 on page 3 and lines 1 through 4 on page 4, and inserting:

“*electronic means and a law requires that a contract or other record relating to the transaction be in writing, the legal effect, validity or enforceability of the contract or other record may be denied if an electronic record of the contract or other record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties or other persons who are entitled to retain the contract or record.*”.

Amend sec. 24, page 4, line 11, by deleting “4,” and inserting “6.”.

Amend sec. 24, page 4, by deleting lines 19 through 24 and inserting:

“4. *A requirement that a notice be in writing is not satisfied by providing or delivering the notice electronically if the notice is a notice of:*

(a) *The cancellation or termination of service by a public utility;*

(b) *Default, acceleration, repossession, foreclosure or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of a natural person;* (c) *The cancellation or termination of a policy of health insurance, benefits received pursuant to a policy of health insurance or benefits received pursuant to a policy life insurance, excluding annuities; or*

(d) *The recall of a product, or material failure of a product, that risks endangering the health or safety of a person.*

5. *A requirement that a document be in writing is not satisfied by providing or delivering the document electronically if the document is required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.*

6. *The requirements of this section may not be varied by agreement, but:*

(a) *To the extent a law other than this chapter requires that a contract or other record relating to a transaction to be in writing but permits that requirement to be varied by agreement, the provisions of subsection 1 concerning the denial of the legal effect, validity or enforceability of a contract or other record relating to a transaction”.*

Amend sec. 28, page 5, by deleting line 29 and inserting:

“(b) *Remains accessible to all persons who are legally entitled to access to the record, for the period required by law, in a form that is capable of being accurately reproduced for later reference.*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 729.

Amend sec. 5, page 9, line 46, by deleting "~~is at~~" and inserting "is ~~at~~".

Amend sec. 9, page 13, line 10, by deleting "In" and inserting: "*Except as otherwise provided in this subsection, in*".

Amend sec. 9, page 13, line 15, after "work." by inserting: "*If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.*".

Amend sec. 14, page 16, line 48, by deleting "In" and inserting: "*Except as otherwise provided in this subsection, in*".

Amend sec. 14, page 17, line 4, after "project." by inserting: "*If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 62 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 70.

Bill read second time and ordered to third reading.

Senate Bill No. 144.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:13 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 775.

Amend section 1, page 1, between lines 11 and 12, by inserting:

“(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.”.

Amend section 1, page 2, line 4, after “*offense.*” by inserting: “*As used in this subsection, “horse tripping” does not include tripping a horse to provide medical or other health care for the horse.*”.

Amend the title of the bill, first line, after “commissioners” by inserting: “to designate an animal as inherently dangerous and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes board of county commissioners to designate animal as inherently dangerous and to provide for civil liability for person who violates certain ordinances relating to control of animals. (BDR 20-413)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

SECOND READING AND AMENDMENT

Senate Bill No. 156.

Bill read second time and ordered to third reading.

Senate Bill No. 175.

Bill read second time and ordered to third reading.

Senate Bill No. 222.

Bill read second time and ordered to third reading.

Senate Bill No. 250.

Bill read second time and ordered to third reading.

Senate Bill No. 252.

Bill read second time.

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

Amendment No. 835.

Amend sec. 23, page 8, line 42, by deleting "*letters, riders*" and inserting "*letters*".

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 255.

Bill read second time and ordered to third reading.

Senate Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 725.

Amend sec. 3, pages 4 and 5, by deleting lines 1 through 48 on page 4 and lines 1 through 36 on page 5, and inserting:

"Sec. 3. NRS 482.3753 is hereby amended to read as follows:

482.3753 1. Except as otherwise provided in this section, the department, in cooperation with professional *full-time salaried* fire fighters in the State of Nevada, shall design, prepare and issue license plates that recognize *current or former* employment as a professional *full-time salaried* fire fighter using any colors and designs which the department deems appropriate. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The department shall issue license plates that recognize *current or former* employment as a professional *full-time salaried* fire fighter for a passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize *current or former* employment as a professional *full-time salaried* fire fighter if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that recognize *current or former* employment as a professional *full-time salaried* fire fighter.

3. An application for the issuance or renewal of license plates that recognize *current or former* employment as a professional *full-time salaried* fire fighter is void unless it is accompanied by documentation which, in the

determination of the department, provides reasonable proof of the identity of the applicant and proof of his ~~[current]~~ :

(a) *Current employment as a professional full-time salaried fire fighter ; or [his status]*

(b) *Status as a [retired] former professional full-time salaried fire fighter ~~[- Such documentation may include, but is not limited to:]~~ who retired from employment after completing at least 10 years of creditable service as a fire fighter within this state with:*

(1) *A fire department; or*

(2) *A federal or state agency, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the division of forestry of the state department of conservation and natural resources.*

4. *Proof of an applicant's current or former employment as a professional full-time salaried fire fighter must consist of:*

(a) *An identification card ~~[which indicates that the applicant is currently employed as a professional fire fighter or is currently a member of a fire fighters' union; or~~*

~~(b) Evidence of his]~~ *issued by the Professional Fire Fighters of Nevada or its successor;*

(b) An identification card issued by the Nevada Fire Chiefs Association or its successor; or

(c) A letter certifying the applicant's current or former employment as a professional full-time salaried fire fighter ~~[-~~

~~4-], which letter must be from:~~

(1) The Professional Fire Fighters of Nevada or its successor;

(2) The Nevada Fire Chiefs Association or its successor; or

(3) The chief officer of a federal or state agency, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the division of forestry of the state department of conservation and natural resources.

5. The fee payable to the department for license plates that recognize current or former employment as a professional full-time salaried fire fighter is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the department of \$10 in addition to all other applicable registration and license fees and governmental services taxes.

~~[5-]~~ 6. *In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 5, a person who requests a set of license plates that recognize current or former employment as a professional full-time salaried fire fighter must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20 to support facilities for the treatment of burns which are located within this state.*

7. *The department shall deposit the fees collected pursuant to subsection 6 with the state treasurer for credit to the state general fund. The state treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection in equal shares to each facility for the treatment of burns that is located within this state.*

8. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, ~~he may retain the plates and:~~

~~(a) Affix~~ the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

~~[6.]~~ 9. As used in this section ~~[, “retired professional”]~~:

(a) “Facility for the treatment of burns” means a facility that:

(1) Offers specialized services for the treatment of injuries resulting from burns; and

(2) Is part of or located within a hospital that has a center for the treatment of trauma which is designated as a level I center by the administrator of the health division of the department of human resources.

(b) “Professional full-time salaried fire fighter” means a person ~~who retired from employment with a fire department within this state after completing at least 10 years of creditable service as a fire fighter within this state.~~ employed in this state in a full-time salaried occupation of fire fighting for the benefit or safety of the public.”.

Amend the bill as a whole by renumbering sections 5 through 7 as sections 6 through 8 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. Sections 2 and 3 of Senate Bill No. 414 of this session are hereby amended to read as follows:

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications he receives to the department within the period prescribed by the department;

(b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive, ~~and~~ section 1 of *Senate Bill No. 257 of this [act,] session and section 1 of this act*; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the department.

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration.....	\$5.00
For every substitute number plate or set of plates.....	\$5.00
For every duplicate number plate or set of plates	\$10.00
For every decal displaying a county name.....	.50
For every other decal, license plate sticker or tab.....	\$5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, and section 1 of *Senate Bill No. 257 of this [act,] session*, or 482.379 to 482.3816, inclusive, *and section 1 of this act*, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute *of a decal requested* issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set."

Amend sec. 5, page 6, by deleting lines 38 through 43.

Amend sec. 5, page 6, line 44, by deleting "3." and inserting "2."

Amend sec. 5, page 7, by deleting lines 1 through 5 and inserting:

"3. Shall not accept an application for the renewal of a license plate issued pursuant to NRS 482.3753 that is not accompanied by the required proof of eligibility."

Amend sec. 7, page 7, by deleting line 10 and inserting:

"Sec. 8. 1. This section and sections 1 and 4 to 7, inclusive, of this act become".

Amend the title of the bill, fifth line, after "as a" by inserting "professional".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for issuance of special license plates recognizing current or former service as volunteer fire fighter and revises provisions relating to special license plates indicating employment as current or former professional full-time salaried fire fighter. (BDR 43-505)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 273.

Bill read second time and ordered to third reading.

Senate Bill No. 349.

Bill read second time and ordered to third reading.

Senate Bill No. 357.

Bill read second time and ordered to third reading.

Senate Bill No. 376.

Bill read second time and ordered to third reading.

Senate Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 808.

Amend the bill as a whole by deleting sections 2 and 3, renumbering sec. 4 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Section 2 of Assembly Bill No. 656 of this session is hereby repealed.”.

Amend the text of repealed section by deleting the text of NRS 612.687 and adding the text of section 2 of Assembly Bill No. 656 of this session.

Amend the title of the bill by deleting the third and fourth lines and inserting: “and providing other matters”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that action whereby Senate Bill No. 380 was referred to the Concurrent Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Freeman moved that Senate Bill No. 191 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Freeman.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 260 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 389.

Bill read second time and ordered to third reading.

Senate Bill No. 397.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 885.

Amend sec. 29, page 12, line 13, by deleting “physician’s” and inserting “physician”.

Amend sec. 29, page 12, line 27, by deleting “physician’s” and inserting “physician”.

Amend sec. 29, page 12, line 29, by deleting “physician’s” and inserting “physician”.

Amend sec. 29, page 12, line 32, by deleting “physician’s” and inserting “physician”.

Amend the bill as a whole by renumbering sections 49 and 50 as sections 51 and 52 and adding new sections designated sections 49 and 50, following sec. 48, to read as follows:

“Sec. 49. Section 12 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 12. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and sections 2 to 12, inclusive, of *Senate Bill No. 397 of this ~~act,~~ session*, a physician, physician assistant, dentist, *advanced practitioner of nursing* or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his professional practice, and he shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself, his spouse or his children except in cases of emergency.

2. A veterinarian, in the course of his professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and he may cause them to be administered by a veterinary technician under his direction and supervision.

3. A euthanasia technician, within the scope of his license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if he has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian shall return to him any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesman of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the board.

Sec. 50. Section 89 of Senate Bill No. 91 of this session is hereby repealed.”.

Amend sec. 50, page 20, by deleting line 19 and inserting:

“Sec. 52. 1. This section and sections 1 to 28, inclusive, and 30 to 51, inclusive, of this act become effective on July 1, 2001.

2. Section 29 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Amend the bill as a whole by adding the text of the repealed section, following sec. 50, to read as follows:

“

TEXT OF REPEALED SECTION

Section 89 of Senate Bill No. 91 of this session:

Sec. 89. Section 12 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 12. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256, a physician, physician assistant, dentist, *advanced practitioner of nursing* or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his professional practice, and he shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself, his spouse or his children except in cases of emergency.

2. A veterinarian, in the course of his professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and he may cause them to be administered by a veterinary technician under his direction and supervision.

3. A euthanasia technician, within the scope of his license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if he has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, *advanced practitioner of nursing*, podiatric physician or veterinarian shall return to him any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesman of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the board.”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 415.

Bill read second time and ordered to third reading.

Senate Bill No. 480.

Bill read second time and ordered to third reading.

Senate Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 723.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 7 as sections 6 through 11 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

“Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Facility for refractive laser surgery” means a freestanding facility that provides limited medical services for the evaluation of patients with refractive errors of the eye and the surgical treatment of those patients by photorefractive keratectomy or laser in situ keratomeleusis.*

Sec. 3. *“Mobile unit” means a motor vehicle, other than a vehicle operated under the authority of a permit issued pursuant to chapter 450B of NRS, that is specially designed, constructed and equipped to provide any of the medical services provided by a medical facility described in subsections 1 to 13, inclusive, of NRS 449.0151.*

Sec. 4. 1. *Except as otherwise provided in section 5 of this act, each facility for refractive laser surgery shall, when applying for a license or renewing a license, file with the administrator of the health division a surety bond:*

(a) If the facility employs less than seven employees, in the amount of \$10,000;

(b) If the facility employs at least seven but not more than 25 employees, in the amount of \$50,000; or

(c) *If the facility employs more than 25 employees, in the amount of \$100,000.*

2. *A bond filed pursuant to this section must be executed by the facility as principal and by a surety company as surety. The bond must be payable to the health division and must be conditioned to provide indemnification to a patient of the facility who the administrator of the health division or his designee determines has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.*

3. *Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.*

4. *A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the administrator of the health division, but the release does not discharge or otherwise affect any claim filed by a patient for any damages sustained as a result of the bankruptcy of or any breach of contract by the facility while the bond was in effect.*

5. *The license of a facility for refractive laser surgery is suspended by operation of law when the facility is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to section 5 of this act. The administrator of the health division shall give the facility at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond is filed or substitute for the surety bond is deposited in the same manner and amount as the bond or substitute being terminated.*

Sec. 5. 1. *As a substitute for the surety bond required pursuant to section 4 of this act, a facility for refractive laser surgery may deposit with any bank or trust company authorized to do business in this state, upon approval of the administrator of the health division:*

(a) *An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this state;*

(b) *Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or*

(c) *Any obligation of this state or any city, county, town, township, school district or other instrumentality of this state, or guaranteed by this state, in an aggregate amount, based upon principal amount or market value, whichever is lower.*

2. *The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond required by section 4 of this act. With the approval of the administrator of the health division, the facility may substitute other suitable obligations for those deposited, which must be assigned to the health division*

and are negotiable only upon approval of the administrator of the health division.

3. *Any interest or dividends earned on the deposit accrue to the account of the facility.*

4. *The deposit must be an amount at least equal to the surety bond required by section 4 of this act and must state that the amount may not be withdrawn except by the direct and sole order of the administrator of the health division.”.*

Amend sec. 2, page 1, line 11, by deleting “*section 1*” and inserting: “*sections 2 and 3*”.

Amend sec. 3, page 2, line 5, by deleting “*and*”.

Amend sec. 3, page 2, line 6, after “*14.*” by inserting: “*A facility for refractive laser surgery; and*
15.”.

Amend sec. 4, page 2, line 10, after “*inclusive,*” by inserting: “*and sections 2 to 5, inclusive, of this act*”.

Amend sec. 4, page 2, line 18, after “(d)” by inserting: “*Regulations establishing a procedure for the indemnification by the health division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive laser surgery pursuant to section 4 or 5 of this act, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.*
(e)”.

Amend sec. 4, page 2, line 19, by deleting “*inclusive.*” and inserting: “*inclusive [] , and sections 2 to 5, inclusive, of this act.*”.

Amend sec. 4, page 2, by deleting lines 25 through 29 and inserting:

“3. The board shall adopt separate regulations for ~~the~~ :

(a) *The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.*

(b) *The licensure of facilities for refractive laser surgery which take into consideration the unique factors of operating such a facility.*

(c) *The licensure of mobile units which take into consideration the unique factors of*”.

Amend sec. 4, page 2, line 31, by deleting “*5.*” and inserting “*4.*”.

Amend sec. 4, page 2, line 35, by deleting “[~~5~~] 6.” and inserting “*5.*”.

Amend sec. 4, page 2, line 40, by deleting “[~~6~~] 7.” and inserting “*6.*”.

Amend sec. 4, page 3, line 13, by deleting “[~~7~~] 8.” and inserting “*7.*”.

Amend sec. 5, page 3, line 32, by deleting “*inclusive.*” and inserting: “*inclusive [] , and sections 2 to 5, inclusive, of this act.*”.

Amend sec. 5, page 3, line 40, by deleting “[~~7~~] 8” and inserting “*7*”.

Amend sec. 5, page 3, line 43, by deleting “[~~7~~] 8” and inserting “*7*”.

Amend sec. 6, page 4, line 18, after “*inclusive,*” by inserting: “*and sections 2 to 5, inclusive, of this act*”.

Amend sec. 7, page 4, by deleting line 20 and inserting:

“Sec. 11. This act becomes effective upon passage and approval for the purposes of adopting regulations and on July 1, 2001, for all other purposes.”.

Amend the title of the bill by deleting the second line and inserting: “for the licensure of certain mobile units and facilities for refractive laser surgery as medical facilities; requiring facilities for refractive laser surgery to file a surety bond or deposit other security to provide indemnification to certain patients; and providing other matters”.

Amend the summary of the bill to read as follows: “SUMMARY—Requires state board of health to license mobile medical facilities and facilities for refractive laser surgery. (BDR 40-1482)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 484.

Bill read second time and ordered to third reading.

Senate Bill No. 504.

Bill read second time and ordered to third reading.

Senate Bill No. 522.

Bill read second time and ordered to third reading.

Senate Bill No. 528.

Bill read second time and ordered to third reading.

Senate Bill No. 533.

Bill read second time and ordered to third reading.

Senate Bill No. 536.

Bill read second time and ordered to third reading.

Senate Bill No. 544.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 886.

Amend sec. 5, page 3, by deleting lines 12 through 32 and inserting:

“Sec. 5. NRS 639.0125 is hereby amended to read as follows:
639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his profession in this state;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state;

3. An advanced practitioner of nursing who has been authorized to prescribe poisons, dangerous drugs and devices; ~~{or}~~

4. A physician assistant who:

(a) Holds a license issued by the board of medical examiners; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS ; ~~{-}~~

5. An osteopathic physician's assistant who:

(a) Holds a certificate issued by the state board of osteopathic medicine; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS ~~{-}~~ ; or

6. *An optometrist who is certified by the Nevada state board of optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification."*

Amend the bill as a whole by renumbering sec. 13 as sec. 15 and adding new sections designated sections 13 and 14, following sec. 12, to read as follows:

"Sec. 13. Section 2 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 2. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a ~~{valid}~~ license to practice his profession in this state;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state;

3. An advanced practitioner of nursing who has been authorized to prescribe *controlled substances*, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the board of medical examiners; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. An osteopathic physician's assistant who:

(a) Holds a certificate issued by the state board of osteopathic medicine; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada state board of optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 14. Section 81 of Senate Bill No. 91 of this session is hereby repealed.”.

Amend sec. 13, page 6, by deleting lines 45 and 46 and inserting:

“3. Sections 2, 3, 4, 6 to 10, inclusive, 13 and 14 of this act become effective on July 1, 2001.

4. Section 5 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Amend sec. 13, page 6, line 47, by deleting “4.” and inserting “5.”.

Amend the bill as a whole by adding the text of the repealed section, following sec. 13, to read as follows:

“

TEXT OF REPEALED SECTION

Section 81 of Senate Bill No. 91 of this session:

Sec. 81. Section 2 of Senate Bill No. 52 of this session is hereby amended to read as follows:

Sec. 2. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a ~~valid~~ license to practice his profession in this state;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state;

3. An advanced practitioner of nursing who has been authorized to prescribe *controlled substances*, poisons, dangerous drugs and devices; or

4. A physician assistant who:

(a) Holds a license issued by the board of medical examiners; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS.

5. An osteopathic physician’s assistant who:

(a) Holds a certificate issued by the state board of osteopathic medicine; and

(b) Is authorized by the board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS.”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 566.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11 of the 70th Session.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 504 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 357 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 666.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 865.

Amend the bill as a whole by renumbering sections 49 through 51 as sections 50 through 52 and adding a new section designated sec. 49, following sec. 48, to read as follows:

"Sec. 49. Section 37 of Senate Bill No. 91 of this session is hereby amended to read as follows:

Sec. 37. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the board, except for an advisory member serving on a panel of the board hearing charges, may participate in the final order of the board. If the board, after a formal hearing, determines from a preponderance of the evidence that a violation of the provisions of this chapter or of the regulations of the board has occurred, it shall issue and serve on the physician charged an order, in writing, containing its findings and any sanctions.

2. If the board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the physician that the charges have been dismissed. If the disciplinary proceedings were instituted against the physician as a result of a complaint filed against him, the board may provide the physician with a copy of the complaint . ~~[including the name of the person, if any, who filed the complaint.]~~

3. Except as otherwise provided in subsection 4, if the board finds that a violation has occurred, it may by order:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer to him a public reprimand;

(c) Limit his practice or exclude one or more specified branches of medicine from his practice;

(d) Suspend his license for a specified period or until further order of the board;

(e) Revoke his license to practice medicine;

(f) Require him to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of his practice;

(h) Impose a fine not to exceed \$5,000;

(i) Require him to perform community service without compensation;

(j) Require him to take a physical or mental examination or an examination testing his competence;

(k) Require him to fulfill certain training or educational requirements; and

(l) Require him to pay all costs incurred by the board relating to his disciplinary proceedings.

4. If the board finds that the physician has violated the provisions of NRS 439B.425, the board shall suspend his license for a specified period or until further order of the board.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 866.

Amend section 1, page 1, line 2, by deleting:

“subsection ~~[3,]~~ 6,” and inserting:

“~~[subsection 3,]~~ this section,”.

Amend section 1, page 1, line 9, by deleting “~~for~~” and inserting “or”.

Amend section 1, page 1, by deleting lines 11 through 14 and inserting “terminated,”.

Amend section 1, page 2, line 2, by deleting “~~false~~”.

Amend section 1, page 2, line 3, before “may” by inserting “also”.

Amend section 1, page 2, by deleting lines 7 through 22 and inserting:

“3. *A party may seek a reasonable right to visit the child during his minority pursuant to subsection 1 or 2 only if a parent of the child has denied or restricted visits with the child.*

4. *If a parent of the child has denied or restricted visits with the child, there is a rebuttable presumption that the granting of a right to visitation to a party seeking visitation is not in the best interests of the child. To rebut this presumption, the party seeking visitation must prove by a preponderance of the evidence that it is in the best interests of the child to grant visitation.*

5. *The court may grant a party seeking visitation pursuant to subsection 1 or 2 a reasonable right to visit the child during his minority only if the court finds that the party seeking visitation has rebutted the presumption established in subsection 4.*

6. In determining whether ~~[to grant a right to visitation to a petitioner pursuant to subsection 1 or 2,]~~ *the party seeking visitation has rebutted the presumption established in subsection 4, the court shall consider:*”.

Amend section 1, page 3, by deleting lines 6 through 10 and inserting:

“~~4.]~~ 7. If the parental rights of either or both natural parents of a child are”.

Amend section 1, page 3, line 19, by deleting:

“, by a preponderance of the evidence,”.

Amend section 1, page 3, by deleting line 21, and inserting: “*paragraphs (a) to (j), inclusive, of subsection [3.] 6.*”.

Amend section 1, page 3, line 22, by deleting “7.” and inserting “8.”.

Amend section 1, page 3, by deleting lines 31 through 35 and inserting:

“(3) If the petition is based on the provisions of subsection 2, after the”.

Amend section 1, page 3, line 37, by deleting “8.” and inserting “9.”.

Amend section 1, page 3, by deleting lines 41 through 45 and inserting:

“~~[7.]~~ 10. *For the purposes of this section, “separation” means:*”.

Amend the bill as a whole by adding the following assemblywoman as a primary joint sponsor:

Assemblywoman Berman.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 26.

Bill read second time and ordered to third reading.

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 861.

Amend section 1, page 1, line 5, by deleting “20-point” and inserting “14-point”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 825.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Section 6 of chapter 474, Statutes of Nevada 1977, as last amended by chapter 186, Statutes of Nevada 1995, at page 310, is hereby amended to read as follows:

Sec. 6. 1. Each member of the board shall file with the county clerk:

(a) His oath of office.

(b) A corporate surety bond furnished at the authority’s expense, in an amount not to exceed \$5,000, and conditioned for the faithful performance of his duties as a member of the board.

2. No member of the board, during his term thereon, may hold any elective office, have any financial interest in the aviation industry or have a financial interest in any contract or other transaction with the board or the authority other than as that contract or transaction may be made available to a member of the general public in the course of the authority’s business.

3. Each member of the board is entitled to receive \$560 per month.

4. *A former member of the board may not:*

(a) *Enter into, submit a bid for or have a pecuniary interest in a contract with the authority; or*

(b) *Be employed by the authority, until 1 year after the termination of his service on the board.*

5. For the purposes of this section, “financial interest” means:

(a) Ownership of 10 percent or more of the capital stock or assets of any business entity, directly or through a member of the interested person’s household.

(b) Income amounting to 10 percent or more of the gross income of the interested person.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

“Sec. 4. The prohibition set forth in subsection 4 of section 6 of chapter 474, Statutes of Nevada 1977, as last amended by section 2 of this act, applies to members of the board of trustees of the Airport Authority of Washoe County who are serving on or after July 1, 2001.”.

Amend the title of the bill, second line, after “trustees;” by inserting: “prohibiting a former member of the board from entering into, bidding on or having a pecuniary interest in a contract with the authority or being employed by the authority until 1 year after the termination of his service on the board;”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 788.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, Historically, the proceeds of the tax on jet fuel have been used to help support transportation infrastructure projects that are vital to an airport; and

WHEREAS, An increased use of Nevada’s airports causes corresponding increases in tourism and increases in the economic development of this state which are crucial to the economy of the State of Nevada and to the general welfare of the residents of this state; and

WHEREAS, Expanding the purposes for which the proceeds of the tax on jet fuel may be expended to include expenditures to promote the increased use of Nevada’s airports may reduce the amount of those proceeds that remains available to support the infrastructure projects that were historically reliant on this revenue source; and

WHEREAS, To ensure that sufficient proceeds are available to continue the historical financial support of transportation infrastructure projects, governmental entities may feel compelled to increase the rate of the tax which may lead to corresponding increases in the price of airline tickets; and

WHEREAS, The availability of affordable air service to and from Nevada is extremely important to the residents of this state, to business travelers and to tourists, and is therefore crucial to the vitality of Nevada’s tourism industry and economic development; and

WHEREAS, The amendment by this Legislature of NRS 365.545 to expand the authorized uses of the proceeds of the tax on jet fuel is intended to benefit the tourism industry and the economic development of this state, however, it is not the intent of the Legislature to authorize an unduly burdensome increase in the rate of this tax which would have a detrimental effect upon Nevada’s tourism industry and upon economic development and expansion in this state; and

WHEREAS, The Nevada Legislature trusts that the governmental entities which own the airports at which the tax on jet fuel is collected will, if considering such a tax increase, also consider the practical effect such an increase may have upon the price of air travel, the vitality of Nevada’s tourism industry and the economic development and expansion of this state generally; and

WHEREAS, The Nevada Legislature believes that it is imperative that representatives of these governmental entities consult with representatives of the airlines and with tourism and economic development officials when considering whether to use the proceeds from the tax on jet fuel to promote the increased use of the airport; now, therefore,”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 65.

Bill read second time and ordered to third reading.

Senate Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 810.

Amend sec. 48, page 18, by deleting lines 33 and 34 and inserting:
“government pursuant to this section:

1. *May only be used if the value of the lodging component of a package cannot be readily determined; and*

2. *Must not exceed an amount equal to the price paid by the transient guest for the package, minus the amount necessary for the operator to recoup the amount of the tax on transient lodging.”.*

Amend sec. 64, page 32, line 32, by deleting “legislation” and inserting “statute”.

Amend sec. 64, page 32, by deleting lines 34 through 37 and inserting: “affects the operation of existing local acts, ordinances, resolutions or regulations.”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Goldwater moved that upon return from the printer Senate Bill No. 122 be placed on the Chief Clerk’s desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Senate Bill No. 196.

Bill read second time and ordered to third reading.

Senate Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 824.

Amend sec. 3, page 2, line 40, after “*Deliver*” by inserting “*or mail*”.

Amend sec. 3, page 2, line 43, by deleting “*state*” and inserting “*employee*”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 211.

Bill read second time and ordered to third reading.

Senate Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 889.

Amend sec. 8, page 8, line 26, by deleting "2006," and inserting "2005,".

Amend sec. 9, page 8, line 49, by deleting "2006." and inserting "2005,".

Amend sec. 9, page 9, line 1, by deleting "2006." and inserting "2005,".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 790.

Amend sec. 15, page 5, line 23, by deleting "*commissioner*" and inserting "*recorder*".

Amend sec. 28, pages 9 and 10, by deleting lines 39 through 47 on page 9 and lines 1 through 42 on page 10, and inserting:

"1. ~~[Any transaction wherein an interest in real property is encumbered for the purposes of securing a debt.]~~ *A mere change in identity, form or place of organization, such as a transfer between a corporation and its parent corporation, a subsidiary or an affiliated corporation if the affiliated corporation has identical common ownership.*

2. A transfer of title to ~~for from~~ the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer of title to community property without consideration when held in the name of one spouse to both spouses as joint tenants or tenants in common, or as community property.

6. A transfer of title between spouses, including gifts.

7. A transfer of title between spouses to effect a property settlement agreement or between former spouses in compliance with a decree of divorce.

8. A transfer of title to or from a trust, if the transfer is made without consideration ~~to~~, *and is made to or from:*

(a) *The trustor of the trust;*

(b) *The trustor's legal representative; or*

(c) *A person related to the trustor in the first degree of consanguinity.*

As used in this subsection, "legal representative" has the meaning ascribed to it in NRS 167.020.

9. Transfers, assignments or conveyances of unpatented mines or mining claims.

10. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

11. A transfer, assignment or conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of consanguinity.

12. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, ~~[Title 11 of U.S.C.]~~ *11 U.S.C. §§ 101 et seq.*;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; *or*

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act, ~~to~~ *or*

~~(d) Whereby a mere change in identity, form or place of organization is effected, such as a transfer between a corporation and its parent corporation, a subsidiary of an affiliated corporation,]~~

if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 249.

Bill read second time and ordered to third reading.

Senate Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 834.

Amend section 1, page 1, by deleting line 16 and inserting: “less than 1 year and a maximum term of not more than ~~6~~ 15”.

Amend the title of the bill, third line, after “the” by inserting “maximum”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 298.

Bill read second time and ordered to third reading.

Senate Bill No. 299.

Bill read second time and ordered to third reading.

Senate Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 867.

Amend sec. 7, page 6, line 16, by deleting "*association*;" and inserting: "*association who are licensed or otherwise authorized by law to render professional service in this state*;".

Amend sec. 16, page 9, by deleting lines 3 and 4 and inserting: "National Architectural Accrediting Board, any program of architecture in the State of Nevada or any architectural program approved by the state".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 726.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the department and contain:

(a) The signature of the owner.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The department shall use this

declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this state for the make to be registered to the person first purchasing or operating the vehicle.

(e) Proof satisfactory to the department or registered dealer that the applicant has provided the insurance required by NRS 485.185 and his signed declaration that he will maintain the insurance during the period of registration.

(f) If the insurance is provided by a contract of insurance, evidence of that insurance provided by the insurer in the form of:

(1) A certificate of insurance on a form approved by the commissioner of insurance; or

(2) A card issued pursuant to NRS 690B.023 which identifies the vehicle and indicates, at the time of application for registration, coverage which meets the requirements of NRS 485.185.

The department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the department or registered dealer, and must be accompanied by proof of ownership satisfactory to the department.

5. For purposes of the proof, declaration and evidence required by paragraphs (e) and (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this state, may be declared as a fleet by the registered owner thereof, on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this state or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his certificate of self-insurance.

~~[(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.]".~~

Amend section 1, page 2, by deleting lines 8 and 9 and inserting: “Except as otherwise provided in subsection [8] 9 of NRS 485.317, to reinstate the registration of a motor vehicle suspended pursuant to that section:”.

Amend section 1, page 2, line 19, by deleting “Money” and inserting “The money”.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

“Sec. 3. NRS 485.055 is hereby amended to read as follows:

485.055 1. “Motor vehicle liability policy” means an owner’s policy of liability insurance ~~for an operator’s policy of liability insurance~~ issued by an insurer authorized to transact business in this state, to or for the benefit of the person named therein as insured.

2. With respect to a policy which grants excess or additional coverage over that required by NRS 485.3091, the term “motor vehicle liability policy” applies only to that part of the coverage which is required by NRS 485.3091.”.

Amend the bill as a whole by deleting sec. 3, renumbering sections 4 through 6 as sections 8 through 10 and adding new sections designated sections 5 through 7, following sec. 2, to read as follows:

“Sec. 5. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 5, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this state, without having insurance as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the department the evidence of insurance.

~~[(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.]~~

2. A person shall not operate the motor vehicle of another person unless:

(a) He first ensures that the required evidence of insurance is present in the motor vehicle; or

(b) He has his own evidence of insurance which covers him as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 is guilty of a misdemeanor. Except as otherwise provided in this subsection, in addition to any other penalty, a person sentenced pursuant to this subsection shall be punished by a fine of not less than \$600 nor more than \$1,000 for each violation. The fine must be reduced to \$100 for the first violation if the person obtains a motor vehicle liability policy by the time of sentencing, unless:

(a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or

(b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.

4. A court:

(a) Shall not find a person guilty or fine a person for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if he presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a fine of not more than \$1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend the balance of the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is currently in effect.

5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the department pursuant to subsection 1 or 2 of NRS 482.3955, or NRS 482.396, 482.3965, 482.423 or 482.424 authorizing the movement or operation of that vehicle within the state for a limited time.

Sec. 6. NRS 485.308 is hereby amended to read as follows:

485.308 1. Proof of financial responsibility may be furnished by filing with the motor vehicles branch of the department the written certificate of any insurance carrier authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate must specify ~~its~~ the effective date of the policy and ~~it~~

~~(a) If the policy is an owner's policy of liability insurance, designate by appropriate reference all motor vehicles covered by it; or~~

~~(b) If the policy is an operator's policy of liability insurance, designate the person covered.~~

2. The department may authorize the filing of the certificates described in subsection 1 by electronic transmission or any other means deemed appropriate by the department.

3. An insurance carrier that certifies the existence of a motor vehicle liability policy pursuant to subsection 1, must notify the motor vehicles branch of the department at least 10 days before the cancellation or termination of the policy.

Sec. 7. NRS 485.3091 is hereby amended to read as follows:

485.3091 1. An owner's policy of liability insurance must:

(a) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) Insure the person named therein and any other person, as insured, using any such motor vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle

within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:

(1) Because of bodily injury to or death of one person in any one accident, \$15,000;

(2) Subject to the limit for one person, because of bodily injury to or death of two or more persons in any one accident, \$30,000; and

(3) Because of injury to or destruction of property of others in any one accident, \$10,000.

~~2. [An operator's policy of liability insurance must insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle within the same territorial limits and subject to the same limits of liability as are set forth in paragraph (b) of subsection 1.~~

~~3.]~~ A motor vehicle liability policy must state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the period of effectiveness and the limits of liability, and must contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

~~[4.]~~ 3. A motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any motor vehicle owned by the insured nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

~~[5.]~~ 4. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by the policy occurs. The policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on his behalf and no violation of the policy defeats or voids the policy.

(b) The satisfaction by the insured of a judgment for injury or damage is not a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such a settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in paragraph (b) of subsection 1.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitute the entire contract between the parties.

~~{6-}~~ 5. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and the excess or additional coverage is not subject to the provisions of this chapter.

~~{7-}~~ 6. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

~~{8-}~~ 7. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers, which policies together meet those requirements.

~~{9-}~~ 8. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.”.

Amend sec. 6, page 5, by deleting lines 6 and 7 and inserting:

“2. ~~{The}~~ *Except as otherwise provided in this subsection, the department may use any information to verify, pursuant*”.

Amend sec. 6, page 5, line 9, after “485.185.” by inserting: “*The department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.*”.

Amend sec. 6, page 5, lines 16 and 17 by deleting “or operator’s” and inserting “~~{or operator’s}~~”.

Amend sec. 6, page 6, line 21, by deleting: “subsection ~~{7-}~~ 8,” and inserting:

“~~{subsection 7-}~~ *subsections 8 and 9,*”.

Amend sec. 6, page 6, line 37, after “9.” by inserting: “If the department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the department, proves to the satisfaction of the department that he was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the account for verification of insurance created by subsection 6 of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

The department shall adopt regulations to carry out the provisions of this subsection.

10.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 13 and adding new sections designated sections 11 and 12, following sec. 6, to read as follows:

“Sec. 11. NRS 690B.020 is hereby amended to read as follows:

690B.020 1. Except as otherwise provided in this section , ~~and NRS 690B.035,~~ no policy insuring against liability arising out of the ownership, maintenance or use of any motor vehicle may be delivered or issued for delivery in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages, from owners or operators of uninsured or hit-and-run motor vehicles, for bodily injury, sickness or disease, including death, resulting from the ownership, maintenance or use of the uninsured or hit-and-run motor vehicle. No such coverage is required in or supplemental to a policy issued to the State of Nevada or any political subdivision thereof, or where rejected in writing, on a form furnished by the insurer describing the coverage being rejected, by an insured named therein, or upon any renewal of such a policy unless the coverage is then requested in writing by the named insured. The coverage required in this section may be referred to as “uninsured vehicle coverage.”

2. The amount of coverage to be provided must be not less than the minimum limits for liability insurance for bodily injury provided for under chapter 485 of NRS, but may be in an amount not to exceed the coverage for bodily injury purchased by the policyholder.

3. For the purposes of this section , the term “uninsured motor vehicle” means a motor vehicle:

(a) With respect to which there is not available at the department of motor vehicles and public safety evidence of financial responsibility as required by chapter 485 of NRS;

(b) With respect to the ownership, maintenance or use of which there is no liability insurance for bodily injury or bond applicable at the time of the accident ~~+~~ or, to the extent of such deficiency, any liability insurance for bodily injury or bond in force is less than the amount required by NRS 485.210;

(c) With respect to the ownership, maintenance or use of which the company writing any applicable liability insurance for bodily injury or bond denies coverage or is insolvent;

(d) Used without the permission of its owner if there is no liability insurance for bodily injury or bond applicable to the operator;

(e) Used with the permission of its owner who has insurance which does not provide coverage for the operation of the motor vehicle by any person other than the owner if there is no liability insurance for bodily injury or bond applicable to the operator; or

(f) The owner or operator of which is unknown or after reasonable diligence cannot be found if:

(1) The bodily injury or death has resulted from physical contact of the automobile with the named insured or the person claiming under him or with an automobile which the named insured or such a person is occupying; and

(2) The named insured or someone on his behalf has reported the accident within the time required by NRS 484.223, 484.225 or 484.227 to the police department of the city where it occurred, or if it occurred in an unincorporated area, to the sheriff of the county or to the Nevada highway patrol.

4. For the purposes of this section , the term “uninsured motor vehicle” also includes, subject to the terms and conditions of coverage, an insured other motor vehicle where:

(a) The liability insurer of the other motor vehicle is unable because of its insolvency to make payment with respect to the legal liability of its insured within the limits specified in its policy;

(b) The occurrence out of which legal liability arose took place while the uninsured vehicle coverage required under paragraph (a) was in effect; and

(c) The insolvency of the liability insurer of the other motor vehicle existed at the time of, or within 2 years after, the occurrence.

Nothing contained in this subsection prevents any insurer from providing protection from insolvency to its insureds under more favorable terms.

5. If payment is made to any person under uninsured vehicle coverage, and subject to the terms of the coverage [] to the extent of such payment , the insurer is entitled to the proceeds of any settlement or recovery from any person legally responsible for the bodily injury as to which payment was made, and to amounts recoverable from the assets of the insolvent insurer of the other motor vehicle.

6. A vehicle involved in a collision which results in bodily injury or death shall be presumed to be an uninsured motor vehicle if no evidence of financial responsibility is supplied to the department of motor vehicles and public safety in the manner required by chapter 485 of NRS within 60 days after the collision occurs.

Sec. 12. NRS 485.186 and 690B.035 are hereby repealed.”.

Amend sec. 7, page 6, by deleting line 42 and inserting:

“Sec. 13. 1. This section and sections 4 and 9 of this act become effective on July 1, 2001.

2. Sections 1, 2, 3, 5 to 8, inclusive, 10, 11 and 12 of this act become effective on January 1, 2002.”.

Amend the bill as a whole by adding the text of the repealed sections, following sec. 7, to read as follows:

“

TEXT OF REPEALED SECTIONS

485.186 Natural person may obtain operator’s policy of liability insurance; exceptions.

1. Except as otherwise provided in subsection 6, any natural person may satisfy the requirements of NRS 485.185 by obtaining, in lieu of an owner's policy of liability insurance, an operator's policy of liability insurance which meets the requirements of this section and NRS 485.3091.

2. An operator's policy of liability insurance must state, in addition to the requirements of NRS 485.3091, that:

(a) The insurer is only liable under the policy for liability incurred by the insured while the named insured is the operator of a motor vehicle or while a motor vehicle owned by the insured is not being operated by any person;

(b) The policy does not provide coverage for any vicarious liability imposed on the owner of the motor vehicle as a result of the operation by another person of a motor vehicle owned by the insured or for any liability imposed by NRS 41.440 or 483.300; and

(c) The coverage provided by the policy may not meet the requirements of the financial responsibility laws of other states, unless such extended coverage is expressly included in the policy. No operator's policy of liability insurance may be delivered or issued for delivery in this state unless the insured has signed an endorsement stating that he has read and understood the policy and its limitations.

3. An owner of a motor vehicle which is registered or required to be registered in this state and who holds an operator's policy of liability insurance shall not permit another person to operate his motor vehicle if the owner knows or should have known that the person does not have liability insurance to cover his own operation of that motor vehicle.

4. An operator's policy of liability insurance must not provide coverage for damages incurred while a person other than the named insured is operating a motor vehicle.

5. An operator's policy of liability insurance must provide coverage for liability incurred by the insured while a motor vehicle owned by the insured is not being operated by any person.

6. This section does not apply to a lessor, dealer, manufacturer, rebuilder or distributor of a motor vehicle, an owner of a fleet, a common, contract or private motor carrier or any other employer who owns a motor vehicle for use in his business.

690B.035 Policy covering damage to one or more of operator's vehicles. An insurer may issue to a holder of an operator's policy of liability insurance a policy covering damage to one or more of the operator's vehicles. The policy is not required to provide liability insurance or uninsured vehicle coverage.”.

Amend the title of the bill to read as follows:

“AN ACT relating to insurance for motor vehicles; specifying that any information except the name of the owner of a motor vehicle may be used to verify that a motor vehicle is insured; repealing the provisions permitting the issuance of an operator's policy of liability insurance; allowing the release of

information related to insurance policies under certain circumstances; and providing other matters properly relating thereto.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 807.

Amend sec. 10, page 4, by deleting lines 44 through 47 and inserting:

“354.476 As used in NRS 354.470 to 354.626, inclusive, ~~and~~ sections 2 to 5, inclusive, of *Senate Bill No. 203 of this session and sections 2 to 5, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS ~~[354.478 to 354.580,]~~ 354.479 to 354. 578, inclusive, and sections 2 and 3 of *Senate Bill No. 203 of this session and sections 2 and 3 of this act*, have the meanings”.

Amend sec. 29, page 10, by deleting line 19 and inserting:

“450.760, 540A.265 and 543.600, and section 4 of ~~[this act,]~~ *Senate Bill No. 203 of this session*, for each fiscal year beginning on or after”.

Amend sec. 44, page 22, line 28, by deleting “To” and inserting: “Except as otherwise provided in NRS 354.59891, to”.

Amend the bill as a whole by adding a new section designated sec. 57.5, following sec. 57, to read as follows:

“Sec. 57.5. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county’s subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county’s subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year

immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by one plus the sum of the:

(I) Percentage change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285 except as otherwise provided in subsection 6; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount

distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) ~~[[H]]~~ *Except as otherwise provided in paragraph (c), if the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.*

(b) *If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.*

(c) *If a local government files a formal appeal with the Bureau of the Census of the United States Department of Commerce concerning the population total of the local government issued by the Bureau of the Census, be calculated using the population total certified by the governor pursuant to NRS 360.285 until the appeal is resolved. If additional money is allocated to the local government because the population total certified by the governor*

is greater than the population total issued by the Bureau of the Census, the state treasurer shall deposit that additional money in a separate interest-bearing account. Upon resolution of the appeal, if the population total finally determined pursuant to the appeal is:

(1) Equal to or less than the population total initially issued by the Bureau of the Census, the state treasurer shall transfer the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, to the local government tax distribution account for allocation among the local governments in the county pursuant to subsection 4.

(2) Greater than the population total initially issued by the Bureau of the Census, the executive director shall calculate the amount that would have been allocated to the local government pursuant to subsection 4 if the population total finally determined pursuant to the appeal had been used and the state treasurer shall remit to the local government an amount equal to the difference between the amount actually distributed and the amount calculated pursuant to this subparagraph or the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, whichever is less.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.”.

Amend sec. 69, page 37, line 28, by deleting:

“1 to 49,” and inserting:

“1 to 9, inclusive, 11 to 28, inclusive, 30 to 43, inclusive, 45 to 49,”.

Amend sec. 69, page 37, by deleting line 30 and inserting:

“2. Sections 10, 29, 44 and 50 of this act become effective at 12:01 a.m. on”.

Amend the title of the bill, sixth line, after “circumstances;” by inserting: “requiring the use of alternative population totals for calculating distributions from the local government tax distribution account under certain circumstances;”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 330.

Bill read second time.

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

Amendment No. 898.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 4, to read as follows:

“Sec. 4. NRS 232.545 is hereby amended to read as follows:

232.545 1. An investigative account for financial institutions is hereby created in the state general fund. The account consists of money which is:

(a) Received by the department of business and industry in connection with the licensing of financial institutions and the investigation of persons associated with those institutions; and

(b) Required by law to be placed therein.

2. The director of the department of business and industry or his designee may authorize expenditures from the investigative account to pay the expenses incurred:

(a) In investigating applications for licensing of financial institutions and in investigating persons associated with those institutions;

(b) In conducting special investigations relating to financial institutions and persons associated with those institutions; and

(c) In connection with mergers, consolidations, conversions, receiverships and liquidations of financial institutions.

3. As used in this section, “financial institution” means an institution for which licensing *or registration* is required by the provisions of Titles 55 and 56 and chapters 604, 645B, 645E and 649 of NRS.”.

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 12 as sec. 5.

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. NRS 678.460 is hereby amended to read as follows:

678.460 Every credit union organized under the provisions of this chapter ~~has~~ :

1. *Has* all the powers granted by NRS 81.500 that are not inconsistent with the provisions of this chapter and in addition thereto, the powers enumerated in NRS 678.470 to 678.500, inclusive ~~[-]~~ ; and

2. *May exercise any authority and perform all acts that a federal credit union may exercise or perform, with the consent and written approval of the*

commissioner. The commissioner may, by regulation, waive or modify a requirement of Nevada law if the corresponding requirement for federal credit unions has been or is eliminated or modified.”.

Amend the title of the bill by deleting the fifth through fourteenth lines and inserting: “change of address of its licensed place of business; including check-cashing and deferred deposit services in the definition of “financial institution” for purposes of the investigative account for financial institutions; requiring the commissioner of financial institutions to charge a fee for certain services; changing the procedures for a lending business to notify the commissioner of financial institutions of a change of address of its licensed place of business; authorizing the commissioner of financial institutions to impose a fine on a mortgage company or lending business for failing to notify the commissioner of a proposed change of address; removing the requirement that the commissioner of financial institutions notify lending businesses of his receipt of an application for licensure of a lending business; authorizing a credit union to exercise authority and perform acts that a federal credit union may exercise or perform under certain circumstances; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 336.

Bill read second time and ordered to third reading.

Senate Bill No. 372.

Bill read second time and ordered to third reading.

Senate Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 809.

Amend sec. 2, page 2, by deleting lines 28 through 33 and inserting: “are:

(a) Shipped out of the state for sale and use outside the state; or

(b) Displayed or exhibited at a trade show, convention or other exhibition in this state by a manufacturer or wholesale dealer who is not licensed in this state.”.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “wholesale dealer; and providing”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 776.

Amend the bill as a whole by adding the following assemblymen as primary joint sponsors: Assemblymen Brower and Parnell.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 412.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 801.

Amend sec. 3, page 2, line 44, by deleting “2,” and inserting “~~{2,}~~ 3.”

Amend sec. 3, page 3, line 21, by deleting “defendant,” and inserting: “*defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2;*”.

Amend sec. 3, page 3, line 32, by deleting “defendant,” and inserting: “*defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any,*”.

Amend sec. 3, page 4, line 1, after “2.” by inserting: “*A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:*

- (a) *The victim or the witness;*
- (b) *The defendant;*
- (c) *The parole and probation officer assigned to the defendant;*
- (d) *The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and*
- (e) *If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.*

3.”.

Amend sec. 3, page 4, line 5, by deleting “3.” and inserting “~~{3,}~~ 4.”.

Amend sec. 4, page 4, line 44, after “resides” by inserting: “, in person,”.

Amend sec. 6, page 7, by deleting line 9 and inserting: “the offender shall provide the new address, in ~~{writing,}~~ person, to the”.

Amend sec. 6, page 7, line 11, after “and” by inserting:

“, in person or in writing.”.

Amend sec. 10, page 10, line 12, after “*resides*” by inserting: “, *in person,*”.

Amend sec. 12, page 12, by deleting line 44 and inserting: “new address, in ~~[writing,]~~ *person*, to the ~~[division]~~ *local law*”.

Amend sec. 12, page 12, line 45, after “*and*” by inserting: “, *in person or in writing, to*”.

Amend sec. 32, page 21, line 2, by deleting “2,” and inserting “[~~2,~~] 3,”.

Amend sec. 32, page 21, by deleting lines 24 and 25 and inserting:

“(h) , *unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2;*”.

Amend sec. 32, page 21, line 36, by deleting “*parolee,*” and inserting: “*parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any,*”.

Amend sec. 32, page 22, line 5, after “2.” by inserting: “*A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:*

(a) *The victim or the witness;*

(b) *The parolee;*

(c) *The parole and probation officer assigned to the parolee;*

(d) *The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and*

(e) *If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.*

3.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 466.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 862.

Amend sec. 3, page 3, by deleting lines 23 and 24 and inserting:

“(b) Any member of a board, commission or other body whose function”.

Amend sec. 3, page 3, line 26, by deleting “(d)” and inserting “(c)”.

Amend sec. 3, page 3, line 30, by deleting “(e)” and inserting “(d)”.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in subsection 2 or 3, if a candidate for public or judicial office or a public or judicial officer is entitled to receive compensation for serving in the office in question, he shall file with the commission, and with the officer with whom declarations of candidacy for the office in question are filed, a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office.

(b) A public or judicial officer appointed to fill the unexpired term of an elected public or judicial officer shall file a statement of financial disclosure within 30 days after his appointment.

(c) Every public or judicial officer, whether appointed or elected, shall file a statement of financial disclosure on or before March 31 of each year of the term, including the year the term expires.

(d) A public or judicial officer who leaves office on a date other than the expiration of his term or anniversary of his appointment or election, shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed. ~~[The public or judicial officer shall notify the commission in writing of his intention to use the previously filed statement to fulfill the present requirement.]~~

3. If a person is serving in a public or judicial office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public or judicial office in which he is also serving. ~~[The person shall notify the commission in writing of his intention to use the statement for the initial office to fulfill the requirements of subsection 1 for every other office.]~~

4. A person may satisfy the requirements of subsection 1 by filing with the commission a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the commission.”

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 6, to read as follows:

“Sec. 8. 1. This section and sections 1, 2 and 4 to 7, inclusive, of this act become effective on October 1, 2001.

2. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 2001.”

Amend the title of the bill, fourth line, by deleting “commission;” and inserting: “commission on ethics; eliminating the requirement that certain public officials and judicial officers notify the commission in writing of their

intent to use previously filed financial disclosure statements to fulfill certain other duties to file financial disclosure statements;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 789.

Amend section 1, page 2, by deleting lines 27 through 37 and inserting:

“boating . ~~for state owned wildlife management areas. Any of this money declared by the division of wildlife of the state department of conservation and natural resources to be~~ *Any money received in excess of [its immediate requirements for these purposes may be transferred to the credit of the parks marina development fund for use by the division of state parks of the state department of conservation and natural resources in accordance with the provisions of paragraph (b).]* ~~the amount authorized by the legislature to be expended for such purposes must be retained in the wildlife account.~~

(b) The ~~[parks marina development fund which is hereby created as a special revenue fund for use by the]~~ division of state parks of the state department of conservation and natural resources. ~~[All money so deposited to the credit of the division of state parks]~~ *Such money may be expended only as”.*

Amend section 1, page 2, by deleting lines 40 through 44 and inserting:

~~“[associated with boating.~~

~~5. Money that the state treasurer is required to allocate pursuant to the provisions of subsection 4 may be paid quarterly or oftener if convenient to the state treasurer.] located in any state park that includes a body of water used for recreational purposes.”.~~

Amend sec. 3, page 4, by deleting lines 5 through 15 and inserting:

“facilities associated with boating. Any money received in excess of the amount authorized by the legislature to be expended for such purposes must be retained in the wildlife account.

(b) The division of state parks of the state department of conservation and natural resources. Such money may be expended”.

Amend sec. 3, page 4, by deleting lines 20 through 22.

Amend the title of the bill to read as follows:

“AN ACT relating to state parks; eliminating the parks marina development fund; expanding the permissible uses of money received from the tax on motor vehicle fuel used in watercraft for recreational purposes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Eliminates parks marina development fund and expands permissible uses of money received from tax on motor vehicle fuel used in watercraft for recreational purposes. (BDR 32-1316)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 524.

Bill read second time and ordered to third reading.

Senate Bill No. 530.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 827.

Amend sec. 4, page 3, line 43, by deleting: “*three legislative measures*” and inserting: “*one legislative measure*”.

Amend the title of the bill, eighth line, by deleting: “three legislative measures” and inserting: “one legislative measure”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 531.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 823.

Amend section 1, page 2, between lines 7 and 8, by inserting:

“4. *No regulation adopted pursuant to subsection 3 may deny a person the opportunity to obtain or retain employment because of his membership or nonmembership in a labor organization.*”.

Amend sec. 20, page 8, line 41, by deleting “benefits.” and inserting: “benefits, and the right to join or not join a labor organization.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 546.

Bill read second time and ordered to third reading.

Senate Bill No. 548.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 800.

Amend sec. 3, page 3, by deleting lines 26 through 28 and inserting: "sentence of a person convicted of an offense listed in subsection 3 unless .".

Amend sec. 3, page 3, by deleting line 35 and inserting: "*pursuant to NRS 176.139, a psychologist licensed to practice in this state who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this state who is certified by the American Board of Psychiatry and neurology and is trained to conduct*".

Amend sec. 3, page 4, by deleting lines 21 through 23.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 828.

Amend sec. 8, page 5, line 8, by deleting "2001." and inserting: "2001, and expires by limitation on July 1, 2003.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 556.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 798.

Amend sec. 4, page 2, line 18, after "1." by inserting: "*“Disclose” or “disclosure” means the reporting, either verbally or in writing, by a state or local governmental officer or employee of governmental action that the officer or employee reasonably believes, in good faith, to be improper governmental action. The term includes all such reporting that is not expressly prohibited by law, regardless of the identity of the person or entity to whom the information is reported.*

2.”.

Amend sec. 4, page 2, line 29, by deleting "2." and inserting "[2.] 3.”.

Amend sec. 4, page 2, line 31, by deleting "3." and inserting "4.”.

Amend sec. 4, page 2, line 34, by deleting "4." and inserting "5.”.

Amend sec. 4, page 2, line 43, by deleting "5." and inserting "6.”.

Amend sec. 4, page 3, line 14, by deleting “6.” and inserting “7.”.

Amend sec. 4, page 3, line 17, by deleting “7.” and inserting “8.”.

Amend the title of the bill, third line, after “action;” by inserting: “defining the term “disclose” for the purposes of that prohibition;”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 557.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 888.

Amend section 1, page 2, by deleting line 7 and inserting: “*improved roads or streets maintained by the county or an incorporated city located within the county,*”.

Amend section 1, page 2, by deleting lines 38 through 44 and inserting:

“3. Of the money allocated to each county pursuant to the provisions of ~~[subsection 1:]~~ *subsections 1 and 2:*”.

Amend section 1, page 3, by deleting lines 3 through 10 and inserting:

“(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated ~~[pursuant to the following formula:~~

(1) ~~If there are no incorporated cities in the county,~~ to the county ~~[; and~~

(2) ~~If there is at least one incorporated city in the county,~~ *, if there are no incorporated cities in the county, or to the county and any incorporated cities in the county , if there is at least one incorporated city in the county,* pursuant to the following formula ~~[set forth for counties in subsection 1:]~~ :

(1) *One-fourth in proportion to total area.*

(2) *One-fourth in proportion to population.*

(3) *One-fourth in proportion to road mileage and street mileage of nonfederal aid primary roads.*

(4) *One-fourth in proportion to vehicle miles of travel on nonfederal aid primary roads.*

For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

~~[3:]~~ 4. The amount allocated to the counties and incorporated cities pursuant to subsections 1, ~~[and]~~ 2 and 3 must be remitted monthly. The state controller shall draw his warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities, as applicable, and the state treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.”.

Amend section 1, page 3, line 18, after “*mileage of*” by inserting “*improved*”.

Amend section 1, page 3, line 25, after “Each” by inserting “*improved*”.

Amend section 1, page 3, line 27, after “those” by inserting “*improved*”.

Amend section 1, page 3, line 30, after “determine the” by inserting “*improved*”.

Amend section 1, page 4, line 27, after “(c)” by inserting: “*“Improved road or street” means a road or street that is, at least:*

(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and

(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

(d)”.

Amend sec. 2, page 4, by deleting line 43 and inserting: “improved roads or streets maintained by the county or an incorporated city located within the county.”.

Amend sec. 2, page 5, by deleting lines 26 through 32 and inserting:

“3. Of the money allocated to each county pursuant to the provisions of subsections 1 and 2:”.

Amend sec. 2, page 5, by deleting lines 41 through 47 and inserting: “cents of the tax per gallon must be allocated to the county, if there are no incorporated cities in the county, or to the county and any incorporated cities in the county, if there is at least one incorporated city in the county, pursuant to the following formula:

(1) One-fourth in proportion to total area.

(2) One-fourth in proportion to population.

(3) One-fourth in proportion to road mileage and street mileage of nonfederal aid primary roads.

(4) One-fourth in proportion to vehicle miles of travel on nonfederal aid primary roads.

For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

4. The amount allocated to the counties and incorporated cities pursuant to subsections 1, 2 and 3 must be remitted monthly. The state controller shall draw his warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities, as applicable, and the state treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.”.

Amend sec. 2, page 6, line 6, after “mileage of” by inserting “*improved*”.

Amend sec. 2, page 6, line 12, after “Each” by inserting “*improved*”.

Amend sec. 2, page 6, line 14, after “those” by inserting “*improved*”.

Amend sec. 2, page 6, line 17, after “determine the” by inserting “*improved*”.

Amend sec. 2, page 7, by deleting lines 19 and 20 and inserting:

“(c) “*Improved road or street*” means a road or street that is, at least:

(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and

(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

~~[(d) “Subcommittee” means the subcommittee appointed pursuant to NRS 218.53884.1].~~

Amend sec. 6, page 8, line 31, by deleting “1.”.

Amend sec. 6, page 8, line 33, after “2.” by inserting:

“Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3.”.

Amend sec. 6, page 8, line 35, by deleting “3.” and inserting “4.”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 560.

Bill read second time and ordered to third reading.

Senate Bill No. 568.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 749.

Amend section 1, pages 1 and 2, by deleting lines 13 through 17 on page 1 and lines 1 through 5 on page 2, and inserting:

“3. *Each county shall deposit in the fund an assessment for the employees of the district court of that county, excluding district judges, unless the county enters into a written agreement with the attorney general to:*

(a) Hold the State of Nevada harmless and assume liability and costs of defense for the employees of the district court;

(b) Reimburse the State of Nevada for any liability and costs of defense that the State of Nevada incurs for the employees of the district court; or

(c) Include the employees of the district court under the county’s own insurance or other coverage.”.

Amend section 1, page 2, between lines 11 and 12, by inserting:

“5. *As used in this section, “assessment” means an amount determined by the risk management division and the attorney general to be equal to the share of a county for:*

(a) Applicable insurance premiums;

(b) Other charges for potential liability and tort claims; and

(c) Expenses related to tort claims.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 569.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 773.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting:

“(a) The board also imposes a fee on a provider of personal wireless service and the fee is a fee for a business license which is regulated pursuant to NRS 354.59881 to 354.59889, inclusive, the”.

Amend section 1, page 1, by deleting lines 12 through 14 and inserting:

“(b) A city located within the county imposes a fee on a provider of personal wireless service and the fee is a fee for a business license which is regulated pursuant to NRS 354.59881 to 354.59889, inclusive, the governing body of the city shall transfer the money generated”.

Amend section 1, page 2, line 8, after “fees” by inserting: “for business licenses which fees are”.

Amend the bill as a whole by deleting sections 5 through 7, renumbering sec. 8 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. NRS 268.088 is hereby amended to read as follows:

268.088 The governing body of an incorporated city ~~[whose population is 25,000 or more]~~ shall not:

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

- (a) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on July 16, 1997.

- (b) “Telecommunications service” has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.”.

Amend sec. 8, page 5, by deleting lines 26 through 29 and inserting:

“Sec. 6. This act becomes effective on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to telephone systems; providing for the imposition of surcharges on telephone services by certain counties for the enhancement of telephone systems for reporting emergencies in those counties; providing for

the deposit of certain fees imposed by cities and counties on providers of personal wireless service into a special revenue fund; revising the purposes for which money in the special revenue fund may be used; prohibiting the governing body of every incorporated city from imposing certain requirements upon a provider of telecommunications service; and providing other matters properly relating thereto.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that upon return from the printer Senate Bill No. 288 be placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 62.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 771.

Amend sec. 2, page 2, by deleting line 28 and inserting:

“4. *A person who*”.

Amend sec. 2, page 2, line 34, by deleting “or 2”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 5.

Amend sec. 7, page 5, by deleting lines 36 through 42 and inserting:

“2. *A person who violates subsection 1:*

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. In addition to any other fine or penalty provided in subsection 2, a court shall order a person convicted of violating subsection 1 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, including, without limitation, money expended for veterinary treatment, feed and housing.

4. If any animal ~~[shall be]~~ is at any time impounded as provided in”.

Amend the bill as a whole by deleting sec. 8 and renumbering sec. 9 as sec. 6.

Amend sec. 9, page 6, by deleting lines 26 through 29 and inserting: “the animal is the property of himself or another, is guilty of a gross misdemeanor. In addition to any other penalty, the court shall order the person”.

Amend the bill as a whole by deleting sections 10 through 13 and renumbering sections 14 through 18 as sections 7 through 11.

Amend sec. 17, page 8, by deleting lines 22 through 24 and inserting: “paragraph (b) or (c) of subsection 4 of NRS 574.070 or paragraph (b) or (c) of subsection 5 of NRS 574.070, as amended by”.

Assemblyman de Braga moved the adoption of Amendment No. 771.

Remarks by Assemblyman de Braga.

Amendment adopted.

The following amendment was proposed by Assemblyman Collins:

Amendment No. 840.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by a specific statute, an agency, board, commission or political subdivision of this state, including an agency, board, commission or governing body of a local government, shall not prohibit or impose restrictions that are more stringent than those set forth in this chapter concerning any of the following events in which an animal is used:

(a) A rodeo; or

(b) A livestock show or exhibition that promotes the proper care, husbandry or performance of an animal.

2. *As used in this section, "animal" has the meaning ascribed to it in NRS 574.050.*"

Amend the title of the bill, first line, after "relating to animals;" by inserting: "prohibiting state and local governmental entities from prohibiting or imposing certain restrictions concerning certain events in which animals are used;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions regarding mistreatment of animals. (BDR 50-713)".

Assemblyman Collins moved the adoption of Amendment No. 840.

Remarks by Assemblyman Collins, Bache and Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 65 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 234, 278, 661; Senate Bills Nos. 6, 135, 153, 228, 274, 297, 401 and 418 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 52, 250 and 630 be placed on the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:26 p.m.

ASSEMBLY IN SESSION

At 1:44 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Koivisto, McClain, Carpenter, Anderson, Ocegüera, Berman and Nolan (emergency request of Perkins):

Assembly Bill No. 667—AN ACT relating to statutes of limitation; reviving for a limited time certain causes of action based on the effects of silicone gel injected into the body; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Select Committee on Health and Legal Issues.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 763.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 3, page 1, line 13, by deleting "\$1,805,420" and inserting "\$830,000".

Amend sec. 4, page 1, line 17, by deleting "\$230,472" and inserting "\$230,000".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding new sections designated sections 4 through 6, following sec. 4, to read as follows:

"Sec. 4. There is hereby appropriated from the state general fund to the Parole Board of the Department of Motor Vehicles and Public Safety the sum of \$6,500 for a shortfall in salaries. This appropriation is supplemental to that made by section 27 of chapter 571 of Statutes of Nevada 1999, at page 2984.

Sec. 5. There is hereby appropriated from the state highway fund to the Division of Compliance Enforcement of the Department of Motor Vehicles and Public Safety the sum of \$62,000 for a shortfall caused by a decrease in fingerprint revenues and by the payment of terminal leave. This appropriation is supplemental to that made by section 29 of chapter 571 of Statutes of Nevada 1999, at page 2985.

Sec. 6. There is hereby appropriated from the state highway fund to the Hearings Office of the Department of Motor Vehicles and Public Safety the sum of \$15,000 for a shortfall caused by the payment of terminal leave. This appropriation is supplemental to that made by section 29 of chapter 571 of Statutes of Nevada 1999, at page 2984."

Amend the title of the bill to read as follows:

“AN ACT making supplemental appropriations to the Department of Motor Vehicles and Public Safety for shortfalls in the budgets of the Division of Parole and Probation, Field Services, Central Services, Parole Board, the Division of Compliance Enforcement and the Hearings Office; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes supplemental appropriations to Department of Motor Vehicles and Public Safety for shortfalls in budgets of Division of Parole and Probation, Field Services, Central Services, Parole Board, Division of Compliance Enforcement and Hearings Office. (BDR S-1258)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 806.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 2, and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. The Executive Director of the Office of Veterans’ Services may accept gifts and grants for the support of the World War II Memorial Campaign to establish the national memorial for World War II veterans. The Executive Director of the Office of Veterans’ Services shall transmit to the Campaign, on behalf of the State of Nevada, at appropriate intervals, any gifts and grants received for this purpose.”.

Amend the title of the bill to read as follows:

“AN ACT relating to veterans; authorizing the Executive Director of the Office of Veterans’ Services to accept gifts and grants for the support of the World War II Memorial Campaign to establish the national memorial for World War II veterans; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes Office of Veterans’ Services to accept gifts and grants for support of World War II Memorial Campaign. (BDR S-247)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 661.

Bill read second time.

The following amendment was proposed by the Select Committee on Energy:

Amendment No. 744.

Amend the bill as a whole by deleting sections 1 through 109 and the text of repealed sections and adding new sections designated sections 1 through 131 and the text of repealed sections, following the enacting clause, to read as follows:

“Section 1. For the purposes of sections 3 to 26, inclusive, of this act, the legislature hereby finds and declares that:

1. A reliable and reasonably priced supply of electricity is critical to the economy of this state and to the health, safety and welfare of the residents of this state;

2. The electric utilities in this state depend on regional energy markets to purchase approximately 50 percent of the electricity needed to serve their customers in this state, and such purchases are often made pursuant to agreements with terms of 1 year or less;

3. The energy markets in the western United States currently are characterized by critical shortages in the supply of electricity and extremely high prices for electricity, both of which are damaging to the strength of the economy of this state and to the well-being of the residents of this state;

4. The residents of this state would benefit from construction of new generation assets in this state and from access to other new electric resources, wherever located, that provide lower-priced electricity;

5. The economic development that would result from construction in this state of new generation assets, supporting gas pipelines and additional infrastructure would be of special benefit to the rural areas of this state where the new generation assets are most likely to be located;

6. During this session, the legislature has considered a number of different but complementary approaches to developing and using new generation assets and other new electric resources and to increasing the supply of reasonably priced electricity in this state;

7. The development and use of new generation assets and other new electric resources by eligible customers would permit the electric utilities in this state to reduce their dependence on purchases of excessively priced electricity from dysfunctional, short-term energy markets and would thereby reduce the average system costs for such electric utilities;

8. The development and use of new generation assets and other new electric resources can be encouraged by allowing eligible customers to use their own resources, initiative, expertise and credit to develop, access and enter into agreements for the purchase of electricity from new generation assets and other new electric resources; and

9. To protect the electric utilities in this state and their remaining customers, all transactions proposed by eligible customers pursuant to sections 3 to 26, inclusive, of this act must be carefully reviewed by the public utilities commission of Nevada to ensure that the electric utilities in

this state and their remaining customers are not subject to increased costs as a result of the proposed transactions and that the proposed transactions are not otherwise contrary to the public interest.

Sec. 2. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 3 to 26, inclusive, of this act.

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Ancillary services” means those generation services that:*

1. *Are necessary to support the transmission of energy and capacity from resources to loads while maintaining reliable operation of the transmission system of the electric utility; and*

2. *Are defined and established in applicable transmission tariffs on file with the Federal Energy Regulatory Commission.*

Sec. 5. *“Calendar quarter” means each period of 3 consecutive calendar months ending on March 31, June 30, September 30 and December 31 in each calendar year.*

Sec. 6. *“Commission” means the public utilities commission of Nevada.*

Sec. 7. 1. *“Electric utility” means any public utility or successor in interest that:*

(a) *Is in the business of providing electric service to customers;*

(b) *Holds a certificate of public convenience and necessity issued or transferred pursuant to chapter 704 of NRS; and*

(c) *In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of \$250,000,000 or more in this state.*

2. *The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.*

Sec. 8. *“Electric utility that primarily serves densely populated counties” means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this state from customers located in counties whose population is 400,000 or more than it does from customers located in counties whose population is less than 400,000.*

Sec. 9. *“Electric utility that primarily serves less densely populated counties” means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this state from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.*

Sec. 10. *“Eligible customer” means an end-use customer which is:*

1. *A nongovernmental commercial or industrial end-use customer that has an average annual load of 1 megawatt or more in the service territory of an electric utility.*

2. *A governmental entity, including, without limitation, a governmental entity providing educational or health care services, that:*

(a) *Performs its functions using one or more facilities which are operated under a common budget and common control; and*

(b) *Has an average annual load of 1 megawatt or more in the service territory of an electric utility.*

Sec. 11. *“Energy” means electrical energy.*

Sec. 12. *“Generation asset” means any plant, facility, equipment or system which is located within or outside this state and which converts nonelectrical energy into electrical energy or otherwise produces electrical energy.*

Sec. 13. *“New electric resource” means:*

1. *The energy, capacity or ancillary services and any increased or additional energy, capacity or ancillary services which are:*

(a) *Made available from a generation asset that is not owned by an electric utility or is not subject to contractual commitments to an electric utility that make the energy, capacity or ancillary services from the generation asset unavailable for purchase by an eligible customer; and*

(b) *Able to be delivered to an eligible customer.*

2. *Any increased energy, capacity or ancillary services made available from a generation asset pursuant to an agreement described in section 18 of this act.*

Sec. 14. *“Person” means:*

1. *A natural person.*

2. *Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization.*

3. *A governmental entity other than:*

(a) *This state or an agency or instrumentality of this state; or*

(b) *A political subdivision of this state or an agency or instrumentality of a political subdivision of this state.*

Sec. 15. *“Provider of new electric resources” and “provider” mean a person who makes energy, capacity or ancillary services from a new electric resource available to an eligible customer.*

Sec. 16. *“Time-of-use meter” means a meter that:*

1. *Measures and records the electric demand, energy and power factor on 15-minute intervals; and*

2. *Is suitable for use with an electric demand of 1 megawatt or more.*

Sec. 17. 1. *The provisions of this chapter do not alter, diminish or otherwise affect any rights or obligations arising under any contract which requires an electric utility to purchase energy, capacity or ancillary services from another party and which exists on the effective date of this act.*

2. *Each electric utility or its assignee shall comply with the terms of any contract which requires the electric utility or its assignee to purchase energy, capacity or ancillary services from another party and which exists on the effective date of this act.*

Sec. 18. 1. *Except as otherwise provided in this section, an electric utility may, at its discretion, enter into agreements relating to its generation assets and the energy, capacity or ancillary services provided by its generation assets with one or more other persons who are not electric utilities. Such agreements:*

(a) *May include, without limitation, agreements to construct or install a new generation asset on real property that is adjacent to an existing generation asset owned by the electric utility; and*

(b) *May provide for the sharing of available common facilities with the existing generation asset or the reengineering, repowering or expansion of the existing generation asset to generate energy more efficiently and at a lower cost and to make more energy available to customers in this state.*

2. *Any increased energy, capacity or ancillary services made available from a new generation asset or an existing generation asset pursuant to an agreement described in subsection 1 shall be deemed to be a new electric resource that may be:*

(a) *Owned by the parties to the agreement who are not electric utilities; and*

(b) *Used or consumed by such parties for their own purposes or sold by such parties to one or more eligible customers pursuant to the provisions of this chapter.*

3. *A transaction undertaken pursuant to an agreement described in subsection 1:*

(a) *Must not impair system reliability or the ability of the electric utility to provide electric service to its customers; and*

(b) *Must not violate the provisions of sections 8 to 18, inclusive, of Assembly Bill No. 369 of this session.*

4. *The provisions of this section do not exempt any party to an agreement described in subsection 1 from any applicable statutory or regulatory requirements relating to siting, construction and operation of a generation asset.*

5. *The commission shall encourage the development of new electric resources and shall not exercise its regulatory authority in a manner that unnecessarily or unreasonably restricts, conditions or discourages any agreement described in subsection 1 that is likely to result in increased energy, capacity or ancillary services from a generation asset or improved or more efficient operation or management of a generation asset.*

Sec. 19. 1. *Except as otherwise provided in this section, a provider of new electric resources may sell energy, capacity or ancillary services to one or more eligible customers if the eligible customers have been approved to*

purchase energy, capacity and ancillary services from the provider pursuant to the provisions of sections 20 and 21 of this act.

2. A provider of new electric resources shall not sell energy, capacity or ancillary services to an eligible customer:

(a) Before April 1, 2002, if the eligible customer's load is in the service territory of an electric utility that primarily serves less densely populated counties;

(b) Before June 1, 2002, if the eligible customer's load is in the service territory of an electric utility that primarily serves densely populated counties; or

(c) If the transaction violates the provisions of this chapter.

3. A provider of new electric resources that sells energy, capacity or ancillary services to an eligible customer pursuant to the provisions of this chapter:

(a) Does not become and shall not be deemed to be a public utility solely because of that transaction; and

(b) Does not become and shall not be deemed to be subject to the jurisdiction of the commission except as otherwise provided in this chapter or by specific statute.

4. If a provider of new electric resources is not a public utility in this state and is not otherwise authorized by the provisions of a specific statute to sell energy, capacity or ancillary services at retail in this state, the provider shall not sell energy, capacity or ancillary services at retail in this state to a person or entity that is not an eligible customer.

Sec. 20. 1. An eligible customer that is purchasing electric service from an electric utility shall not purchase energy, capacity or ancillary services from a provider of new electric resources and an eligible customer that is purchasing energy, capacity or ancillary services from a provider of new electric resources shall not purchase energy, capacity or ancillary services from another provider unless:

(a) The eligible customer files an application with the commission not later than 180 days before the date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider; and

(b) The commission approves the application by a written order issued in accordance with the provisions of this section and section 21 of this act. The date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider must not be sooner than the date on which the provider is authorized by section 19 of this act to begin selling energy, capacity or ancillary services to the eligible customer.

2. Except as otherwise provided in subsection 3, each application filed pursuant to this section must include:

(a) Information demonstrating that the person filing the application is an eligible customer;

(b) Information demonstrating that the proposed provider will provide energy, capacity or ancillary services from a new electric resource;

(c) Information concerning the terms and conditions of the proposed transaction that is necessary for the commission to evaluate the impact of the proposed transaction on customers and the public interest, including, without limitation, information concerning the duration of the proposed transaction and the amount of energy, capacity or ancillary services to be purchased from the provider; and

(d) Any other information required pursuant to the regulations adopted by the commission.

3. Except as otherwise provided in section 21 of this act, the commission shall not require the eligible customer or provider to disclose:

(a) The price that is being paid by the eligible customer to purchase energy, capacity or ancillary services from the provider; or

(b) Any other terms or conditions of the proposed transaction that the commission determines are commercially sensitive.

4. The commission shall provide public notice of the application of the eligible customer and an opportunity for a hearing on the application in a manner that is consistent with the provisions of NRS 703.320 and the regulations adopted by the commission.

5. The commission shall approve the application of the eligible customer unless the commission finds that the proposed transaction:

(a) Will be contrary to the public interest; or

(b) Does not comply with the provisions of section 21 of this act, if those provisions apply to the proposed transaction.

6. In determining whether the proposed transaction will be contrary to the public interest, the commission shall consider, without limitation:

(a) Whether the electric utility that has been providing electric service to the eligible customer will be burdened by increased costs as a result of the proposed transaction or whether any remaining customer of the electric utility will pay increased costs for electric service as a result of the proposed transaction;

(b) Whether the proposed transaction will impair system reliability or the ability of the electric utility to provide electric service to its remaining customers; and

(c) Whether the proposed transaction will add energy, capacity or ancillary services to the supply in this state.

7. If the commission approves the application of the eligible customer:

(a) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction sooner than 180 days after the date on which the application was filed; and

(b) The commission shall order such terms, conditions and payments as the commission deems necessary and appropriate to ensure that the proposed transaction will not be contrary to the public interest. Such terms, conditions and payments:

(1) Must be fair and nondiscriminatory as between the eligible customer and the remaining customers of the electric utility; and

(2) Must include, without limitation, payment by the eligible customer to the electric utility of the eligible customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility.

8. If the commission does not enter a final order on the application of the eligible customer within 90 days after the date on which the application was filed with the commission:

(a) The application shall be deemed to be approved by the commission; and

(b) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction sooner than 180 days after the date on which the application was filed.

Sec. 21. 1. For eligible customers whose loads are in the service territory of an electric utility that primarily serves densely populated counties:

(a) The amount of energy that each such eligible customer purchases from providers of new electric resources before July 1, 2003, must not exceed 80 percent of the load of the eligible customer; and

(b) The aggregate amount of energy that all such eligible customers purchase from providers of new electric resources before July 1, 2003, must not exceed 50 percent of the difference between the existing supply of energy generated in this state that is available to the electric utility and the existing demand for energy in this state that is consumed by the customers of the electric utility, as determined by the commission.

2. An eligible customer that is a nongovernmental commercial or industrial end-use customer whose load is in the service territory of an electric utility that primarily serves densely populated counties shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless, as part of the proposed transaction, the eligible customer agrees to:

(a) Contract with the provider to purchase:

(1) An additional amount of energy which is equal to 10 percent of the total amount of energy that the eligible customer is purchasing for its own use under the proposed transaction and which is purchased at the same price, terms and conditions as the energy purchased by the eligible customer for its own use; and

(2) The capacity and ancillary services associated with the additional amount of energy at the same price, terms and conditions as the capacity and ancillary services purchased by the eligible customer for its own use; and

(b) Offers to assign the rights to the contract to the electric utility for use by the remaining customers of the electric utility.

3. If an eligible customer is subject to the provisions of subsection 2, the eligible customer shall include with its application filed pursuant to section 20 of this act all information concerning the contract offered to the electric

utility that is necessary for the commission to determine whether it is in the best interest of the remaining customers of the electric utility for the electric utility to accept the rights to the contract. Such information must include, without limitation, the amount of the energy and capacity to be purchased under the contract, the price of the energy, capacity and ancillary services and the duration of the contract. Information concerning the price of the energy, capacity and ancillary services and any other terms or conditions of the contract that the commission determines are commercially sensitive shall be deemed to be confidential, and the commission shall establish a procedure for protecting such information from disclosure.

4. If the commission determines that the contract:

(a) Is not in the best interest of the remaining customers of the electric utility, the electric utility shall not accept the rights to the contract, and the eligible customer is entitled to all rights to the contract.

(b) Is in the best interest of the remaining customers of the electric utility, the electric utility shall accept the rights to the contract and the eligible customer shall assign all rights to the contract to the electric utility. A contract that is assigned to the electric utility pursuant to this paragraph shall be deemed to be an approved part of the resource plan of the electric utility and a prudent investment, and the electric utility may recover all costs for the energy, capacity and ancillary services acquired pursuant to the contract. To the extent practicable, the commission shall take actions to ensure that the electric utility uses the energy, capacity and ancillary services acquired pursuant to each such contract only for the benefit of the remaining customers of the electric utility that are not eligible customers, with a preference for the remaining customers of the electric utility that are residential customers with small loads.

Sec. 22. 1. If an eligible customer is purchasing energy, capacity or ancillary services from a provider of new electric resources, the eligible customer may, pursuant to tariffs approved by the commission, replace some or all, but not less than all at a single time-of-use meter, of the energy, capacity or ancillary services purchased from the provider of new electric resources with energy, capacity or ancillary services purchased from an electric utility.

2. The tariffs approved by the commission pursuant to this section must include, without limitation:

(a) Provisions requiring the eligible customer to pay any incremental costs that are incurred by the electric utility to provide energy to the eligible customer;

(b) Provisions requiring the eligible customer to provide reasonable and adequate notice to the electric utility;

(c) Provisions establishing minimum terms during which the eligible customer must continue to purchase energy from the electric utility; and

(d) Any other provisions that the commission determines are necessary and reasonable to carry out and enforce the provisions of this section.

Sec. 23. 1. *A provider of new electric resources shall not sell energy, capacity or ancillary services to an eligible customer unless the customer has a time-of-use meter installed at the point of delivery of energy to the eligible customer.*

2. *An electric utility shall install a time-of-use meter at each point of delivery of energy to the eligible customer if the eligible customer does not have a time-of-use meter at that point of delivery. The eligible customer shall pay all costs for the time-of-use meter and for installation of the time-of-use meter by the electric utility.*

3. *Not more than one person or entity may sell the energy that is delivered to an eligible customer through any one time-of-use meter.*

4. *The provisions of this section do not prohibit:*

(a) *An eligible customer from having more than one time-of-use meter installed for the same service location; or*

(b) *An eligible customer from installing any other meter or equipment that is necessary or appropriate to the transaction with the provider, if such a meter or equipment is otherwise consistent with system reliability.*

Sec. 24. 1. *An electric utility shall provide all transmission, distribution, metering and other components of electric service that are necessary for a provider of new electric resources to sell energy, capacity and ancillary services to an eligible customer pursuant to the provisions of this chapter. An electric utility shall provide each such component of electric service pursuant to the tariffs and service agreements filed with and approved by the appropriate regulatory authorities having jurisdiction over each such component of electric service.*

2. *For each such component of electric service that is within the jurisdiction of the commission, the commission shall establish just, reasonable and nondiscriminatory rates.*

3. *The provisions of this chapter do not enlarge or expand any existing rights under federal law or create any other rights with regard to the transmission system of the electric utility.*

4. *When providing service pursuant to this chapter, an electric utility is subject to all applicable statutes and regulations of this state and the United States.*

Sec. 25. *Not later than 30 days after the end of each calendar quarter, the commission shall submit to the legislative commission a written report which summarizes for that calendar quarter:*

1. *Each application which was filed with the commission pursuant to the provisions of this chapter and which requested approval of a proposed transaction between an eligible customer and a provider of new electric resources;*

2. *The information that the eligible customer included with the application;*

3. *The findings of the commission concerning the effect of the proposed transaction on the public interest; and*

4. *Whether the commission approved the application and, if so, the effective date of the proposed transaction, the terms and conditions of the proposed transaction, and the terms, conditions and payments ordered by the commission.*

Sec. 26. *The commission shall adopt regulations to carry out and enforce the provisions of this chapter.*

Sec. 27. NRS 703.025 is hereby amended to read as follows:

703.025 1. The commission, by majority vote, shall organize the commission into sections, alter the organization of the commission and reassign responsibilities and duties of the sections of the commission as the commission deems necessary to provide:

(a) Advice and guidance to the commission on economic policies relating to utilities under the jurisdiction of the commission, and the regulation of such utilities;

(b) Administrative, technical, legal and support services to the commission; and

(c) For the regulation of utilities governed by the commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The commission shall:

(a) Formulate the policies of the various sections of the commission;

(b) Coordinate the activities of the various sections of the commission;

(c) If customers are authorized by a specific statute to obtain a competitive, discretionary or potentially competitive utility service, take any actions which are consistent with the statute and which are necessary to ~~encourage and enhance:~~

~~(1) A~~ :

(1) Ensure, before a determination is made to deregulate a particular utility service or market, that a sufficient number of providers of the competitive, discretionary or potentially competitive utility service exist so that customers are able to benefit from the competitive market;

(2) Provide for an orderly and efficient transition from the regulated market to the competitive market and ensure that the transition, when completed, will not unreasonably prejudice or disadvantage any class of customers or any provider of the competitive, discretionary or potentially competitive utility service;

(3) Encourage and enhance the competitive market for the provision of ~~that~~ the competitive, discretionary or potentially competitive utility service to customers ~~in this state; and~~

~~(2) The~~ ; and

(4) Encourage and enhance the reliability and safety of the provision of ~~that~~ the competitive, discretionary or potentially competitive utility service ~~within that competitive market;~~ to customers; and

(d) Adopt such regulations consistent with law as the commission deems necessary for the operation of the commission and the enforcement of all laws administered by the commission.

3. Before reorganizing the commission, the commission shall submit the plan for reorganization to:

(a) The director of the legislative counsel bureau for transmittal to the appropriate legislative committee and the interim finance committee; and

(b) The director of the department of administration.

Sec. 28. NRS 703.030 is hereby amended to read as follows:

703.030 1. The commission consists of ~~{three}~~ five commissioners appointed by the governor. ~~{for terms of}~~ After the initial terms, the term of each commissioner is 4 years.

2. The governor shall appoint ~~{as members of the commission persons}~~ :

(a) One commissioner to represent the general public.

(b) Four commissioners who have at least 2 years of experience in one or more of the following fields:

~~{(a)}~~ (1) Accounting.

~~{(b)}~~ (2) Business administration.

~~{(c)}~~ (3) Finance or economics.

~~{(d)}~~ (4) Administrative law.

~~{(e)}~~ (5) Professional engineering.

Not more than two of the commissioners appointed pursuant to this paragraph may be from the same field of experience.

3. Not more than ~~{two}~~ three of the commissioners may be ~~{~~

~~{(a) Members}~~ members of the same political party.

~~{(b) From the same field of experience.}~~

4. A vacancy on the commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

Sec. 29. NRS 703.070 is hereby amended to read as follows:

703.070 The governor shall designate one of the commissioners to be chairman, whose term as chairman shall be at the pleasure of the governor. ~~{The chairman shall serve as the executive officer of the commission.}~~

Sec. 30. NRS 703.110 is hereby amended to read as follows:

703.110 1. ~~{The}~~ Except as otherwise provided in subsection 2, the majority of the commissioners have full power to act in all matters within ~~{their jurisdiction.}~~ the jurisdiction of the commission and shall exercise all the powers of the commission.

2. If ~~{two}~~ the majority of the commissioners are disqualified or if there are ~~{two}~~ vacancies within the majority of the commission, the remaining commissioners or, if only one commissioner is remaining, the remaining commissioner ~~{or}~~ has full power to act in all matters within the jurisdiction of the commission and shall exercise all the powers of the commission.

3. Except as otherwise provided in this chapter, all hearings and meetings conducted by the commission must be open to the public.

Sec. 31. NRS 703.130 is hereby amended to read as follows:

703.130 1. The commission shall appoint a deputy commissioner who shall serve in the unclassified service of the state.

2. The commission shall appoint a secretary who shall perform such administrative and other duties as are prescribed by the commission. The commission shall also appoint an assistant secretary.

3. The commission may employ such other clerks, experts or engineers as may be necessary.

4. *Except as otherwise provided in this subsection, any person who is employed by the commission in a full-time position that is in the unclassified service of the state and whose aggregate length of service in all positions with the commission exceeds 1 year:*

(a) Shall be deemed to be a permanent classified employee of the state pursuant to chapter 284 of NRS exclusively for the purposes of discipline, demotion, suspension and dismissal; and

(b) Must not be disciplined, demoted, suspended or dismissed in a manner that is inconsistent with the provisions of chapter 284 of NRS and the regulations adopted pursuant thereto, as those provisions and regulations are applied to a permanent classified employee of the state.

The provisions of this subsection do not apply to any person who is serving as a commissioner or deputy commissioner or as a hearing officer or legal counsel for the commission.

5. Except as otherwise provided in subsection ~~[5.]~~ 6, the commission:

(a) May appoint one or more hearing officers for a period specified by the commission to conduct proceedings or hearings that may be conducted by the commission pursuant to chapters 704, 704A, 705, 708 and 711 of NRS ~~[.]~~ and sections 3 to 26, inclusive, of this act.

(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the commission.

~~[5.]~~ 6. The commission shall not appoint a hearing officer to conduct proceedings or hearings :

(a) In any matter pending before the commission pursuant to sections 8 to 18, inclusive, of ~~[this act.]~~ Assembly Bill No. 369 of this session; or

(b) In any matter pending before the commission pursuant to NRS 704.070 to 704.110, inclusive, and sections 48 to 52, inclusive, of this act in which an electric utility has filed a general rate application or an application to clear its deferred accounts.

7. As used in this section, "electric utility" has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of this session.

Sec. 32. NRS 703.147 is hereby amended to read as follows:

703.147 1. The public utilities commission regulatory fund is hereby created as a special revenue fund. All money collected by the commission pursuant to law must be deposited in the state treasury for credit to the fund. Money collected ~~[for]~~ by the commission:

(a) *For the use of the consumer's advocate of the bureau of consumer protection in the office of the attorney general must be transferred pursuant to the provisions of subsection 8 of NRS 704.035.*

(b) *For the use of the task force for renewable energy and energy conservation must be transferred pursuant to the provisions of subsection 5 of section 47 of this act.*

2. Money in the fund which belongs to the commission may be used only to defray the costs of:

(a) Maintaining staff and equipment to regulate adequately public utilities and other persons subject to the jurisdiction of the commission.

(b) Participating in all rate cases involving those persons.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that regulation and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the commission.

3. All claims against the fund must be paid as other claims against the state are paid.

4. The commission must furnish upon request a statement showing the balance remaining in the fund as of the close of the preceding fiscal year.

Sec. 33. NRS 703.150 is hereby amended to read as follows:

703.150 The commission shall ~~[supervise]~~ :

1. *Supervise* and regulate the operation and maintenance of public utilities and other persons named and defined in chapters 704, 704A and 708 of NRS pursuant to the provisions of those chapters.

2. *Carry out the purposes and provisions of sections 3 to 26, inclusive, of this act and any other specific statute relating to the powers and duties of the commission.*

Sec. 34. NRS 703.164 is hereby amended to read as follows:

703.164 1. The commission may employ, or retain on a contract basis, legal counsel who shall:

(a) Except as otherwise provided in subsection 2, be counsel and attorney for the commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the ~~[public utilities commission of Nevada]~~ *commission* all civil actions for the enforcement of chapters 704, 704A, 705 and 708 of NRS *and sections 3 to 26, inclusive, of this act* and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the commission in the performance of its duties and the enforcement of chapters 704, 704A, 705 and 708 of NRS ~~[]~~ *and sections 3 to 26, inclusive, of this act.*

2. Each district attorney shall:

(a) Prosecute any violation of chapter 704, 704A, 705, 708 or 711 of NRS *and sections 3 to 26, inclusive, of this act* for which a criminal penalty is provided and which occurs in his county.

(b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapter 704, 704A, 705, 708 or 711 of NRS *and sections 3 to*

26, inclusive, of this act and, at the request of the commission or its legal counsel, act as counsel and attorney for the commission.

3. The attorney general shall, if the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities under the jurisdiction of the commission and their officers, agents and employees.

4. The attorney general is not precluded from appearing in or moving to intervene in any action and representing the interest of the State of Nevada in any action in which the commission is a party and is represented by independent counsel.

Sec. 35. NRS 703.197 is hereby amended to read as follows:

703.197 1. The commission may collect fees for the filing of any official document required by this chapter and chapters 704, 704A, 705 and 708 of NRS *and sections 3 to 26, inclusive, of this act* or by a regulation of the commission.

2. Filing fees may not exceed:

(a) For applications, \$200.

(b) For petitions seeking affirmative relief, \$200.

(c) For each tariff page which requires public notice and is not attached to an application, \$10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents which require public notice, \$10.

3. If an application or other document is rejected by the commission because it is inadequate or inappropriate, the filing fee must be returned.

4. The commission may not charge any fee for filing a complaint.

Sec. 36. NRS 703.320 is hereby amended to read as follows:

703.320 1. In any matter pending before the commission, if a hearing is required by a specific statute or is otherwise required by the commission, the commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The commission shall by regulation specify:

(a) The manner of giving notice in each type of proceeding; and

(b) The persons entitled to notice in each type of proceeding.

2. The commission shall not dispense with a hearing ~~if it~~ :

(a) In any matter pending before the commission pursuant to sections 8 to 18, inclusive, of ~~this act~~ *Assembly Bill No. 369 of this session*; or

(b) Except as otherwise provided in subsection 4 of NRS 704.100, in any matter pending before the commission pursuant to NRS 704.070 to 704.110, inclusive, and sections 48 to 52, inclusive, of this act in which an electric utility has filed a general rate application or an application to clear its deferred accounts.

3. In any other matter pending before the commission, the commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the commission a request that the hearing be held. If such a request for a hearing is filed, the commission shall give at least 10 days' notice of the hearing.

4. *As used in this section, "electric utility" has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of this session.*

Sec. 37. NRS 703.374 is hereby amended to read as follows:

703.374 1. A court of competent jurisdiction, after hearing, may issue an injunction suspending or staying any final order of the commission if:

- (a) The applicant has filed a motion for a preliminary injunction;
- (b) The applicant has served the motion on the commission and other interested parties within 20 days after the rendition of the order on which the complaint is based;
- (c) The court finds there is a reasonable likelihood that the applicant will prevail on the merits of the matter and will suffer irreparable injury if injunctive relief is not granted; and
- (d) The applicant files a bond or other undertaking to secure the adverse parties in such manner as the court finds sufficient.

2. The decision of the commission on each matter considered shall be deemed reasonable and just until set aside by the court. ~~[and in]~~ *In all actions for an injunction or [otherwise] for any other relief, the burden of proof is upon the party attacking or resisting the order of the commission to show by clear and satisfactory evidence that the order is unlawful [.] or unreasonable. [as the case may be.]*

3. If an injunction is granted by the court and the order complained of is one which ~~[permanently suspends]~~ :

(a) *Disapproves a public utility's proposed changes in a schedule of rates [and charges or a], or any part thereof, [filed by any public utility] pursuant to NRS 704.070 to 704.110, inclusive, [or which otherwise] and sections 48 to 52, inclusive, of this act; or*

(b) *Otherwise prevents the proposed changes in the schedule, or any part thereof, from taking effect, the public utility complaining may [keep in effect or put] place into effect [as the case may be, the suspended] the proposed changes in the schedule, or any part thereof, pending final determination by the court having jurisdiction, by filing a bond with the court in such an amount as the court may fix, conditioned upon the refund to persons entitled to the excess amount if the [rate or rates so suspended] proposed changes in the schedule, or any part thereof, are finally determined by the court to be excessive.*

Sec. 38. NRS 703.377 is hereby amended to read as follows:

703.377 1. ~~[No]~~ *Any certificate of public convenience and necessity, permit or license issued or transferred in accordance with the [terms] provisions of NRS [704.005] 704.001 to 704.751, inclusive, is [either] not a franchise or irrevocable.*

2. Upon receipt of a written complaint or on its own motion, the commission may, after investigation and hearing, revoke any certificate, permit or license, ~~[but as to]~~ *except that the commission may not revoke the certificate of a public utility [only if] unless the commission has arranged for*

another public utility to provide the service for which the certificate was granted.

3. ~~[The proceedings thereafter are governed by]~~ *If the commission revokes any certificate, permit or license, the person who held the certificate, permit or license may seek judicial review pursuant to the provisions of NRS 703.373 to 703.376, inclusive.*

Sec. 39. NRS 703.380 is hereby amended to read as follows:

703.380 1. Unless another penalty is specifically provided, any public utility or any officer, agent or employee of a public utility who:

(a) Violates any of the provisions of this chapter or chapters 704, 705 and 708 of NRS ~~and~~ *and sections 3 to 26, inclusive, of this act;*

(b) Violates any rule or regulation of the commission; or

(c) Fails, neglects or refuses to obey any order of the commission or any order of a court requiring compliance with an order of the commission, is liable for a civil penalty not to exceed \$1,000 per day for each day of the violation and not to exceed \$100,000 for any related series of violations.

2. The amount of any civil penalty to be imposed pursuant to this section, and the propriety of any compromise of a penalty, must be determined by a court of competent jurisdiction upon the complaint of the commission.

3. Subject to the approval of the court, any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, must be considered.

4. Any penalty assessed pursuant to this section is not a cost of service by the public utility and may not be included in any new application by a public utility for a rate adjustment or rate increase.

Sec. 40. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 to 52, inclusive, of this act.

Sec. 41. *“Biomass” means any organic matter that is available on a renewable basis, including, without limitation:*

1. *Agricultural crops and agricultural wastes and residues;*
2. *Wood and wood wastes and residues;*
3. *Animal wastes;*
4. *Municipal wastes; and*
5. *Aquatic plants.*

Sec. 42. *“Consumer’s advocate” means the consumer’s advocate of the bureau of consumer protection in the office of the attorney general.*

Sec. 43. 1. *“Renewable energy” means:*

- (a) *Biomass;*
- (b) *Hydrogen;*
- (c) *Geothermal energy;*
- (d) *Solar energy;*
- (e) *Waterpower; and*

(f) *Wind.*

2. *The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.*

Sec. 44. 1. *For the purposes of protecting the health of residential customers who receive gas, water or electricity from public utilities, the commission shall adopt regulations that:*

(a) *Establish the criteria that will be used to determine when a public utility is required to postpone its termination of utility service to the residence of a residential customer who has failed to pay for such service. Such criteria may be based, in whole or in part, upon the residential customer's ability to pay.*

(b) *Require a public utility to postpone its termination of utility service to the residence of a residential customer who has failed to pay for such service if the residential customer satisfies the criteria established by the commission and:*

(1) *On the date of termination, the residence of the residential customer is located in an area that is experiencing a climatic extreme and the utility service that will be terminated is necessary to control the temperature of the residence of the residential customer; or*

(2) *Termination of the utility service is reasonably likely to threaten the health of an occupant of the residence of the residential customer.*

2. *In addition to the regulations adopted pursuant to subsection 1, for the purposes of regulating public utilities that provide gas, water or electricity to landlords who pay for the utility service and who distribute or resell the gas, water or electricity to one or more residential tenants, the commission shall adopt regulations that:*

(a) *Require a public utility to provide reasonable and adequate notice to each such residential tenant before the public utility terminates utility service because the landlord has failed to pay for such service.*

(b) *Provide such residential tenants and their occupants with protections that are similar to the protections afforded to residential customers and their occupants pursuant to subsection 1.*

(c) *Establish procedures and priorities for the resumption of utility service by a public utility after it terminates utility service because the landlord has failed to pay for such service.*

(d) *Establish any additional protections that the commission determines are necessary to protect such residential tenants for the period before or after a public utility terminates utility service because the landlord has failed to pay for such service.*

3. *A public utility shall not terminate utility service for gas, water or electricity without complying with the regulations adopted by the commission pursuant to this section.*

4. *As used in this section:*

(a) *"Gas" includes, without limitation, liquefied petroleum gas and natural gas.*

(b) “Landlord” means a landlord who is subject, in whole or in part, to the provisions of chapter 118A or 118B of NRS.

Sec. 45. 1. If a public utility purchases electricity for resale pursuant to multiple contracts or existing obligations for the purchase of power, the public utility shall, to the extent practicable, ensure that the duration of such contracts or obligations are varied to protect the customers of the public utility from the effects of fluctuations in the price of electricity.

2. In determining whether the purchase of electricity for resale by a public utility is in the public interest pursuant to NRS 704.320, the commission shall consider whether the public utility is taking prudent actions to ensure that the duration of its contracts and obligations for the purchase of power are varied to protect the customers of the public utility from the effects of fluctuations in the price of electricity.

Sec. 46. 1. If any person intends to construct an electric generating unit or increase the generating capacity of an electric generating unit and the commission has jurisdiction concerning the matter, the commission shall consider, in determining whether to grant:

(a) A certificate of public convenience and necessity;

(b) A permit for construction pursuant to NRS 704.820 to 704.900, inclusive; or

(c) Any other approval within the jurisdiction of the commission, whether the electric generating unit or the increased generating capacity of the electric generating unit will benefit the residents of this state by increasing the quantity of electricity that will be available for purchase in this state.

2. As used in this section:

(a) “Electric generating unit” means an electric generating unit that uses any form of energy to generate electricity.

(b) “Person” means:

(1) A natural person;

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;

(3) A government or an agency or instrumentality of a government, including, without limitation, this state or an agency or instrumentality of this state; and

(4) A political subdivision of this state or of any other government or an agency or instrumentality of a political subdivision of this state or of any other government.

Sec. 47. 1. The commission shall levy and collect an assessment from each person who operates a new electric generating unit in this state, whether or not the person or the new electric generating unit is otherwise subject to regulation by the commission.

2. The commission shall levy the assessment not more than once on each new electric generating unit which is capable of being operated

independently from any other electric generating unit that is or will be part of or connected to any associated facilities. The commission shall levy the assessment on each new electric generating unit whether or not any other electric generating unit that is or will be part of or connected to any associated facilities has begun commercial operation or has had an assessment levied on it pursuant to this section.

3. The amount of the assessment levied on each new electric generating unit must equal the product obtained by multiplying the maximum generating capacity of the new electric generating unit, as determined by the commission and expressed in megawatts, by the sum of \$1,000.

4. Each person who is required to pay the assessment levied on a new electric generating unit shall pay the full assessment to the commission not later than 30 days after the date on which the new electric generating unit begins, in whole or in part, commercial operation.

5. The commission shall, on a quarterly basis, transfer any money collected pursuant to this section to the state treasurer for credit to the trust fund for renewable energy and energy conservation, which is created by section 104 of this act.

6. As used in this section:

(a) "New electric generating unit" means an electric generating unit that:

(1) Uses a form of energy other than renewable energy as its primary source of energy to generate electricity sold at wholesale or retail;

(2) Has a maximum generating capacity of 1 megawatt or more; and

(3) Begins, in whole or in part, commercial operation on or after the effective date of this act, whether or not construction began on the electric generating unit before the effective date of this act.

(b) "Person" means:

(1) A natural person;

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;

(3) A government or an agency or instrumentality of a government, including, without limitation, this state or an agency or instrumentality of this state; and

(4) A political subdivision of this state or of any other government or an agency or instrumentality of a political subdivision of this state or of any other government.

(c) "Renewable energy" means:

(1) Biomass;

(2) Hydrogen;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 48. *As used in NRS 704.070 to 704.110, inclusive, and sections 48 to 52, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 49, 50 and 51 of this act have the meanings ascribed to them in those sections.*

Sec. 49. *“Application to make changes in any schedule” and “application” include, without limitation:*

- 1. A general rate application;*
- 2. An application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale; and*
- 3. An application to clear deferred accounts.*

Sec. 50. *“Rate” means any individual or joint rate, toll or charge imposed by a public utility for a service performed or product furnished by the public utility.*

Sec. 51. *“Schedule” means any schedule that establishes or otherwise sets the rates for a public utility and any individual or joint rule, regulation, practice, classification or measurement that in any manner affects those rates.*

Sec. 52. *For the purposes of NRS 704.070 to 704.110, inclusive, and sections 48 to 52, inclusive, of this act, a public utility shall be deemed to make changes in a schedule if the public utility implements a new schedule or amends an existing schedule.*

Sec. 53. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.010 to 704.030, inclusive, and sections 41 and 42 of this act have the meanings ascribed to them in those sections.

Sec. 54. NRS 704.033 is hereby amended to read as follows:

704.033 1. The commission shall levy and collect an annual assessment from all public utilities subject to the jurisdiction of the commission.

2. Except as otherwise provided in subsection 3, the annual assessment must be:

- (a) For the use of the commission, not more than 3.50 mills; and
- (b) For the use of the consumer’s advocate, ~~[of the bureau of consumer protection in the office of the attorney general,]~~ not more than 0.75 mills, on each dollar of gross operating revenue derived from the intrastate operations of such utilities in the State of Nevada, except that the minimum assessment in any 1 year must be \$10. The total annual assessment must be not more than 4.25 mills.

3. For railroads the total annual assessment must be the amount levied for the use of the commission pursuant to paragraph (a) of subsection 2. The levy for the use of the consumer’s advocate must not be assessed against railroads.

4. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) Telephone utilities, except as *otherwise* provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues that are considered by the commission for the purpose of establishing rates.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility for resale.

Sec. 55. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 1 of each year, the commission shall mail revenue report forms to all public utilities under its jurisdiction, to the address of those utilities on file with the commission. The revenue report form serves as notice of the commission's intent to assess the utilities, but failure to notify any utility does not invalidate the assessment with respect thereto.

2. Each public utility subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the commission accompanied by payment of the assessment and any penalty due, pursuant to the provisions of subsection 5.

3. The assessment is due on July 1 of each year, but may, at the option of the public utility, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the utility is subject to review and audit by the commission, and the amount of the assessment may be adjusted by the commission as a result of the audit and review.

5. Any public utility failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment, a penalty of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent, or \$10, whichever is greater, but no penalty may exceed \$1,000 for each delinquent payment.

6. When a public utility sells, transfers or conveys substantially all of its assets or certificate of public convenience and necessity, the commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after the sale, transfer or conveyance, unless the transferee has assumed liability for the assessment. For purposes of this subsection the jurisdiction of the commission over the selling, transferring or conveying public utility continues until it has paid the assessment.

7. The commission may bring an appropriate action in its own name for the collection of any assessment and penalty which is not paid as provided in this section.

8. The commission shall, on a quarterly basis, transfer to the account for the consumer's advocate ~~for the bureau of consumer protection in the office~~

~~of the attorney general~~] that portion of the assessments collected which belongs to the consumer's advocate.

Sec. 56. NRS 704.070 is hereby amended to read as follows:

704.070 Unless exempt under the provisions of NRS 704.075 , ~~704.095~~ or 704.097:

1. ~~[Every]~~ *Each* public utility shall file with the commission, within a time to be fixed by the commission, *a copy of all schedules* ~~[which] that are currently in force for the public utility. Such schedules~~ must be open to public inspection . ~~[, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed or product furnished in connection therewith by any public utility controlled and operated by it.~~

~~2. All rules or regulations that in any manner affect the rates charged or to be charged for any service or product must be filed with that schedule.]~~

2. *A copy of each schedule that is currently in force for the public utility, or so much of the schedule as the commission deems necessary for inspection by the public, must be:*

(a) *Printed in plain type and posted in each office of the public utility where payments are made to the public utility by its customers; and*

(b) *Open to inspection by the public and in such form and place as to be readily accessible to and conveniently inspected by the public.*

Sec. 57. NRS 704.075 is hereby amended to read as follows:

704.075 1. As used in this section, with respect to the sale of *natural gas*:

(a) "Generating customer" means a customer who generates electricity by burning natural gas.

(b) "Industrial customer" means a customer engaged primarily in manufacturing or processing which changes raw or unfinished materials into another form or creates another product.

(c) "Large commercial customer" means a customer whose requirements equal or exceed ~~[50 thousand]~~ *50,000 cubic feet of natural gas* per day on any day and which is an institution, an agency of federal, state or local government, or engaged primarily in renting out offices or other commercial space, in providing lodging or in the sale of other goods or services.

2. The commission shall establish standards for the setting, increase or decrease of rates ~~[and charges]~~ for natural gas to generating, industrial and large commercial customers. These standards must authorize increases or decreases on less than 30 days' notice. Establishing different classes of customers, and charging different rates to customers of the same class, for these customers do not violate this chapter.

3. The commission may, for sales to generating, industrial and large commercial customers:

(a) Exempt the ~~[filing of]~~ rates *for natural gas* from those provisions of NRS ~~[704.080, 704.090,]~~ 704.070, 704.100 and 704.110 ~~[which it]~~ *that the commission* determines are not needed to protect the public interest.

(b) Authorize the establishment of different classes of customer or the charging of different rates for customers of the same class, based on value of the service and on the customer's ability to change from one fuel to another.

Sec. 58. NRS 704.100 is hereby amended to read as follows:

704.100 Except as otherwise provided in NRS 704.075 or as may otherwise be provided by the commission pursuant to NRS 704.095 ~~704.097 or 704.275:~~

~~1. No changes may be made~~ or 704.097:

~~1. A public utility shall not make changes in any schedule, including schedules of joint rates, or in the rules or regulations affecting any rates or charges, except upon 30 days' notice to the commission, and all changes must be plainly indicated, or by filing new schedules in lieu thereof 30 days before the time the schedules are to take effect. The commission, upon application of any public utility, may prescribe a shorter time within which a reduction may be made.~~

~~2. Copies~~ unless the public utility files with the commission an application to make the proposed changes and the commission approves the proposed changes pursuant to NRS 704.110.

2. A public utility shall post copies of all proposed ~~and~~ schedules and all new or amended schedules ~~must be filed and posted in the offices of public utilities as required for original schedules.~~ in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

3. A public utility may not set forth as justification for a rate increase any items of expense or rate base ~~which~~ that previously have been considered and disallowed by the commission, ~~only if~~ unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the ~~commission's~~ prior decision ~~.~~

~~4. The commission shall determine whether a hearing must be held when~~ of the commission.

4. Except as otherwise provided in subsection 5, if the proposed change in any schedule ~~stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge,~~ will result in an increase in annual gross operating revenue, as certified by the applicant ~~of \$2,500 or less.~~, in an amount that does not exceed \$2,500, the commission shall determine whether it should dispense with a hearing regarding the proposed change.

5. If the applicant is a public utility furnishing telephone service and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the commission shall determine whether it should dispense with a hearing regarding the proposed change.

6. In making the determination *pursuant to subsection 4 or 5*, the commission shall first consider all timely written protests, any presentation the staff of the commission may desire to present, the application of the public utility and any other matters deemed relevant by the commission.

Sec. 59. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 or as *may* otherwise *be* provided by the commission pursuant to NRS 704.095 or 704.097:

1. ~~[Whenever there is filed]~~ *If a public utility files with the commission an application to make changes in any schedule [stating a new or revised individual or joint rate or charge, or any new or revised individual or joint regulation or practice affecting any rate or charge, or any schedule resulting]* , including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the commission ~~[may, upon complaint or upon its own motion without complaint, at once, without answer or formal pleading by the interested utility, investigate or, upon reasonable notice, conduct a hearing concerning]~~ *shall investigate* the propriety of the ~~[rate, charge, classification, regulation, discontinuance, modification, restriction or practice.~~

2. ~~Pending the investigation or hearing and the decision thereon, the commission, upon delivering to the utility affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule and defer the use of the rate, charge, classification, regulation, discontinuance, modification, restriction or practice. If the rate, charge, classification, regulation, discontinuance, modification, restriction or practice is part of:~~

~~(a) A filing made pursuant to subsection 7, the suspension must not be effective for more than 90 days beyond the time when the rate, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.~~

~~(b) Any other filing made pursuant to this section, the suspension must not be effective for more than 150 days beyond the time when the rate, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.~~

3. ~~Whenever there is filed]~~ *proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the consumer's advocate shall be deemed a party of record.*

2. *Except as otherwise provided in subsection 3, if a public utility files with the commission an application to make changes in any schedule, not later than 180 days after the date on which the application is filed, the commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes.*

3. *If a public utility files with the commission ~~[any schedule stating an increased individual or joint rate or charge for service or equipment,] a general rate application,~~ the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. ~~[During any hearing concerning the increased rates or charges determined by the commission to be necessary,] In determining whether to approve or disapprove any increased rates,~~ the commission shall consider evidence in support of the increased rates ~~[or charges]~~ based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but ~~[no new rates or charges may be placed]~~ *the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the commission ~~[and the commission has approved the increased rates].~~* The commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the ~~[filing with the commission of]~~ *date on which the certification required ~~[in]~~ by this subsection ~~[, or before the expiration of any period of suspension ordered pursuant to subsection 2,] is filed with the commission, or within 180 days after the date on which the general rate application is filed with the commission,~~* whichever time is longer, the commission shall make such order in reference to ~~[those rates or charges]~~ *the increased rates* as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months.*

4. ~~[After full investigation or hearing, whether completed before or after the date upon which the rate, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the commission may make such order in reference to the rate, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.]~~

5. ~~Except as otherwise provided in subsection 6, whenever]~~ *If a public utility files with the commission an application to make changes in any schedule and the commission does not issue a final written order regarding*

the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the commission.

5. *If a public utility files with the commission a general rate application ~~[for an increased rate or charge for, or classification, regulation, discontinuance, modification, restriction or practice involving service or equipment has been filed with the commission, a]~~, the public utility shall not ~~[submit]~~ file with the commission another general rate application until all pending general rate applications ~~[for increases in rates submitted]~~ filed by that public utility have been decided by the commission unless, after application and hearing, the commission determines that a substantial financial emergency would exist if the ~~[other application]~~ public utility is not permitted to ~~[be submitted]~~ file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 6 or an application to clear its deferred accounts pursuant to subsection 7, if the public utility is otherwise authorized by those provisions to file such an application.*

6. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to an electric utility using deferred accounting pursuant to section 19 of ~~[this act.]~~ *Assembly Bill No. 369 of this session.*

7. Except as otherwise provided in subsection 8 ~~[, whenever]~~ and subsection 4 of NRS 704.100, if an electric utility using deferred accounting pursuant to section 19 of ~~[this act]~~ *Assembly Bill No. 369 of this session* files an application to clear its deferred accounts and to change one or more of its rates ~~[or charges]~~ based upon changes in the costs for purchased fuel or purchased power, the commission, after a public hearing and by an appropriate order:

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

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

8. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 7, the commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this state for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The commission shall not allow the electric utility to recover any costs for

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

9. ~~[Whenever]~~ If an electric utility files an application to clear its deferred accounts pursuant to subsection 7 while a general rate application is pending, the electric utility shall:

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

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

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

11. As used in this section, "electric utility" has the meaning ascribed to it in section 19 of ~~[this act.]~~ *Assembly Bill No. 369 of this session.*

Sec. 60. NRS 704.329 is hereby amended to read as follows:

704.329 1. Except as otherwise provided in ~~[this section, a]~~ subsection 6:

(a) A person shall not merge with, directly acquire, indirectly acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of a public utility doing business in this state or an entity that holds a controlling interest in such a public utility without first submitting to the commission an application for authorization of the proposed ~~[merger, acquisition or other]~~ transaction and obtaining authorization from the commission.

(b) *A public utility doing business in this state shall not merge with, directly acquire, indirectly acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of another entity without first submitting to the commission an application for authorization of the proposed transaction and obtaining authorization from the commission. The provisions of this paragraph do not apply to such a public utility if, in the most recently completed calendar quarter, not more than 10 percent of the public utility's gross operating revenue was derived from intrastate services provided to retail customers in this state by the public utility.*

(c) *An entity that holds a controlling interest in a public utility doing business in this state shall not merge with, directly acquire, indirectly acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of another entity without first submitting to the commission an application for authorization of the proposed transaction and obtaining authorization from the commission. The provisions of this paragraph do not apply to such an entity if, in the most recently completed calendar quarter, not more than 10 percent of the entity's gross operating revenue was derived*

from intrastate services provided to retail customers in this state by public utilities in which the entity holds a controlling interest.

2. Any ~~{merger, acquisition or other}~~ transaction that violates the provisions of this section is void and unenforceable and is not valid for any purpose.

3. Before authorizing a proposed ~~{merger, acquisition or other}~~ transaction pursuant to this section, the commission shall consider the effect of the proposed ~~{merger, acquisition or other}~~ transaction on the public interest and the customers in this state. The commission shall not authorize the proposed ~~{merger, acquisition or other}~~ transaction unless the commission finds that the proposed ~~{merger, acquisition or other}~~ transaction:

(a) Will be in the public interest; and

(b) Complies with the provisions of sections 8 to 18, inclusive, of ~~{this act,}~~ *Assembly Bill No. 369 of this session*, if the proposed ~~{merger, acquisition or other}~~ transaction is subject to those provisions.

4. The commission may base its authorization of the proposed ~~{merger, acquisition or other}~~ transaction upon such terms, conditions or modifications as the commission deems appropriate.

5. If the commission does not issue a final order regarding the proposed ~~{merger, acquisition or other}~~ transaction within 180 days after the date on which an application or amended application for authorization of the proposed ~~{merger, acquisition or other}~~ transaction was filed with the commission, and the proposed ~~{merger, acquisition or other}~~ transaction is not subject to the provisions of sections 8 to 18, inclusive, of ~~{this act,}~~ *Assembly Bill No. 369 of this session*, the proposed ~~{merger, acquisition or other}~~ transaction shall be deemed to be authorized by the commission.

6. The provisions of this section do not apply to the transfer of stock of a public utility doing business in this state or to the transfer of the stock of an entity ~~{holding}~~ *that holds* a controlling interest in such a public utility, if a transfer of not more than 25 percent of the common stock of such a public utility or entity is proposed.

7. *As used in this section:*

(a) “Affiliate” means an entity that, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with another entity.

(b) “Entity” means any person other than a natural person, including, without limitation, a public utility and an entity that holds a controlling interest in a public utility.

(c) “Person” means:

(1) A natural person;

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;

(3) *A government or an agency or instrumentality of a government, including, without limitation, this state or an agency or instrumentality of this state; and*

(4) *A political subdivision of this state or of any other government or an agency or instrumentality of a political subdivision of this state or of any other government.*

(d) *“Transaction” means a merger, acquisition or change in control described in subsection 1.*

Sec. 61. NRS 704.68964 is hereby amended to read as follows:

704.68964 1. An electing carrier may, pursuant to this section and in accordance with NRS 704.68976, exercise flexibility in the pricing of:

(a) Competitive services and discretionary services. The commission shall not specify a maximum rate for any competitive services or discretionary services of the electing carrier. The electing carrier shall, with regard to any competitive or discretionary service that it provides, set the price of that service above the price floor of the service.

(b) A package of services, which may include basic network services, competitive services, discretionary services and other essential services.

2. Except as otherwise provided in this subsection, an electing carrier may, upon 30-days' notice to the commission in writing, exercise flexibility in the pricing of its services pursuant to subsection 1 and is exempt, with respect to the pricing of its services, from the provisions of NRS 704.100 and 704.110 and the regulations of the commission relating thereto. The notice must include a description in reasonable detail of:

(a) The characteristics of the services that will be subject to flexibility in pricing;

(b) The terms and conditions applicable to the services;

(c) The nature of any limitations on the duration or geographical availability of the services;

(d) The price or prices of the services or packages of services; and

(e) A certificate which provides that the electing carrier has prepared a cost study of the price floor to support the price or prices for each service and that, on and after the date on which the notice is filed with the commission, any affected person may, upon request, inspect and copy the cost study, subject to reasonable terms and conditions of any applicable confidentiality and nondisclosure agreement relating to the services.

The notice requirements of this subsection do not apply to an electing carrier with respect to the pricing of competitive services or for packages comprised exclusively of competitive services.

3. The price for a package of services must not be lower than the lesser of:

(a) The sum of the price floors for each of the services contained in the package; or

(b) The sum of the prices of the basic network services, as set forth in the tariffs of the electing carrier, and the price floors for each of the other services contained in the package.

4. The commission shall not specify a maximum rate for a package of services.

5. Each of the services included in a package pursuant to paragraph (b) of subsection 1 must be made available on an individual basis.

Sec. 62. NRS 704.68972 is hereby amended to read as follows:

704.68972 1. An electing carrier may introduce new services upon 30-days' notice to the commission in writing. The notice must include a description in reasonable detail of:

- (a) The characteristics of each new service;
- (b) The terms and conditions applicable to each new service;
- (c) The nature of any limitations on the duration or geographical availability of each new service;
- (d) The price or prices of each new service; and
- (e) A certificate that provides that the electing carrier has prepared a cost study of the price floor to support the price or prices for each new service and that, on and after the date on which the notice is filed with the commission, any affected person may, upon request, inspect and copy the cost study, subject to reasonable terms and conditions of any applicable confidentiality and nondisclosure agreement.

2. Each new service is subject to the conditions set forth in NRS 704.68964.

3. Each new service is exempt from *the provisions of* NRS 704.100 and 704.110 and the regulations of the commission relating thereto.

4. Unless otherwise classified by the commission as a competitive service pursuant to its regulations, a new service must be classified as a discretionary service for which the commission shall not specify a maximum rate. The electing carrier shall set the price of the new service above the price floor of the service.

5. As used in this section, a "new service" means a telecommunication service:

- (a) That provides a function, feature or capability which is materially different from any service or services previously offered by the carrier; or
- (b) Combines two or more previously provided new services.

Sec. 63. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS ~~[704.767]~~ 704.766 to 704.775, inclusive, unless the context otherwise requires, the words and terms defined in NRS 704.768 to 704.772, inclusive, *and section 43 of this act* have the meanings ascribed to them in those sections.

Sec. 64. NRS 704.771 is hereby amended to read as follows:

704.771 "Net metering system" means a facility *or energy system* for the ~~[production of electrical energy]~~ generation of electricity that:

1. Uses ~~[wind or solar]~~ *renewable* energy as its primary source of ~~[fuel;]~~ *energy to generate electricity*;
2. Has a generating capacity of not more than ~~[10]~~ 20 kilowatts;
3. Is located on the customer-generator's premises;
4. Operates in parallel with the utility's transmission and distribution facilities; and
5. Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

Sec. 65. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area . ~~[until 100 of those customer generators have accepted the offer.]~~

2. A utility:

(a) Shall offer to make available to each of its customer-generators who has accepted its offer for net metering an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

(d) *Shall ensure that for any period in which a customer-generator is generating and feeding electricity back to the utility, the electricity so generated and fed back to the utility is valued at the same price per kilowatt-hour that the utility would charge the customer-generator for electricity during that same period.*

Sec. 66. NRS 704.910 is hereby amended to read as follows:

704.910 1. The provisions of NRS 704.910 to 704.960, inclusive, apply to mobile home parks governed by the provisions of chapters 118B and 461A of NRS, utilities which provide service to those parks and landlords who operate those parks.

2. A utility which provides gas, water or electricity to any landlord exclusively for distribution or resale to tenants residing in mobile homes or for the landlord's residential use shall not ~~[charge]~~ :

(a) *Charge* the landlord for those services at a rate higher than the current rates offered by the utility to its residential customers.

(b) *Terminate those services without complying with the regulations adopted by the commission pursuant to section 44 of this act.*

Sec. 67. NRS 228.360 is hereby amended to read as follows:

228.360 The consumer's advocate:

1. Shall intervene in and represent the public interest in ~~[all]~~ :

(a) *All proceedings conducted pursuant to sections 8 to 18, inclusive, of ~~[this act.]~~ Assembly Bill No. 369 of this session; and*

(b) *All proceedings conducted pursuant to NRS 704.070 to 704.110, inclusive, and sections 48 to 52, inclusive, of this act in which an electric utility has filed a general rate application or an application to clear its deferred accounts.*

2. May, with respect to all public utilities except railroads and cooperative utilities, and except as *otherwise* provided in NRS 228.380:

(a) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

(b) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the public utilities commission of Nevada in the same manner and to the same extent as authorized by law for members of the public utilities commission of Nevada and its staff.

(c) Except as otherwise provided in subsection 1, petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the public utilities commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the consumer's advocate may bring before or has brought before the public utilities commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The consumer's advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.

3. *As used in this section, "electric utility" has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of this session.*

Sec. 68. NRS 228.390 is hereby amended to read as follows:

228.390 Except as otherwise provided in *NRS 704.110 and sections 8 to 18, inclusive, of ~~this act~~ Assembly Bill No. 369 of this session:*

1. The consumer's advocate has sole discretion to represent or refrain from representing the public interest and any class of customers in any proceeding.

2. In exercising his discretion, the consumer's advocate shall consider the importance and extent of the public interest or the customers' interests involved and whether those interests would be adequately represented without his participation.

3. If the consumer's advocate determines that there would be a conflict between the public interest and any particular class of customers or any inconsistent interests among the classes of customers involved in a particular matter, he may choose to represent one of the interests, to represent no interest, or to represent one interest through his office and another or others through outside counsel engaged on a case basis.

Sec. 69. Chapter 349 of NRS is hereby amended by adding thereto the provisions set forth as sections 70 to 95, inclusive, of this act.

Sec. 70. *As used in sections 70 to 95, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 71 to 82, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 71. *“Biomass” means any organic matter that is available on a renewable basis, including, without limitation:*

- 1. Agricultural crops and agricultural wastes and residues;*
- 2. Wood and wood wastes and residues;*
- 3. Animal wastes;*
- 4. Municipal wastes; and*
- 5. Aquatic plants.*

Sec. 72. *“Cost of a renewable energy generation project” means all or a designated part of the cost of a renewable energy generation project, including any incidental cost pertaining to the project. The cost of a renewable energy generation project may include, among other costs, the costs of:*

- 1. Designing and constructing the renewable energy generation project;*
- 2. Surveys, audits, preliminary plans and other plans, specifications, estimates and other costs of preparations;*
- 3. Appraising, printing, estimating, advice, services of engineers, architects, financial consultants, attorneys, clerical personnel and other agents and employees;*
- 4. Publishing, posting, mailing and otherwise giving notice, filing or recording instruments, taking options and fees to banks;*
- 5. Establishment of a reserve for contingencies;*
- 6. Interest on bonds for any time which does not exceed the estimated period of construction plus 1 year, discounts on bonds, reserves for the payment of the principal of and interest on bonds, replacement expenses and other costs of issuing bonds;*
- 7. Amending any resolution or other instrument authorizing the issuance of, or otherwise relating to, bonds for the renewable energy generation project; and*
- 8. Short-term financing,*
and the expense of operation and maintenance of the renewable energy generation project.

Sec. 73. *“Director” means the director of the department of business and industry or any person within the department of business and industry designated by the director to perform duties in connection with a renewable energy generation project or the issuance of bonds.*

Sec. 74. *“Expense of operation and maintenance” means any reasonable and necessary current expense of the state for the operation, maintenance or administration of a renewable energy generation project or of the collection and administration of revenues from such a project. The term includes, among other expenses:*

1. Expenses for engineering, auditing, reporting, legal services and other expenses of the director which are directly related to the administration of renewable energy generation projects.

2. Premiums for fidelity bonds and policies of property and liability insurance pertaining to renewable energy generation projects, and shares of the premiums of blanket bonds and policies which may be reasonably allocated to the state.

3. Payments to pension, retirement, health insurance and other insurance funds.

4. Reasonable charges made by any paying agent, commercial bank, credit union, trust company or other depository bank pertaining to any bonds.

5. Services rendered pursuant to the terms of contracts, services of professionally qualified persons, salaries, administrative expenses and the cost of materials, supplies and labor pertaining to the issuance of any bonds, including the expenses of any trustee, receiver or other fiduciary.

6. Costs incurred in the collection and any refund of revenues from the renewable energy generation project, including the amount of the refund.

Sec. 75. "Mortgage" includes a deed of trust and any other security agreement covering real or personal property, or both.

Sec. 76. "Obligor" means the natural person, partnership, firm, company, public utility, corporation, association, trust, estate, political subdivision, state agency or any other legal entity, or its legal representative, who agrees to make the payments sufficient to pay the principal of, premium, if any, and interest on the state securities or revenue bonds issued pursuant to sections 70 to 95, inclusive, of this act.

Sec. 77. 1. "Renewable energy" means:

- (a) Biomass;
- (b) Hydrogen;
- (c) Geothermal energy;
- (d) Solar energy;
- (e) Waterpower; and
- (f) Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 78. 1. "Renewable energy generation project" means a project involving an electric generating unit that uses renewable energy as its primary source of energy to generate electricity.

2. The term does not include a project involving an electric generating unit that uses nuclear energy, in whole or in part, to generate electricity.

Sec. 79. "Revenue bonds" means bonds, notes or other securities evidencing a special limited obligation of the state, the principal and interest of which are payable solely out of revenues derived from the financing, leasing or sale of the renewable energy generation project that is to be financed.

Sec. 80. *“State securities” means notes, warrants, interim debentures, bonds and temporary bonds issued as general obligations by the director for any renewable energy generation project, or for a refunding, which are payable from taxes, whether or not additionally secured by a pledge of all or any designated revenues of one or more renewable energy generation projects.*

Sec. 81. *“Task force” means the task force for renewable energy and energy conservation created by section 105 of this act.*

Sec. 82. *“Tax” means a general tax upon property.*

Sec. 83. *The director has all the powers necessary to accomplish the purposes set forth in sections 70 to 95, inclusive, of this act. These powers must be exercised for the health, safety, convenience, prosperity and welfare of the inhabitants of this state. The director may adopt such regulations as the director determines are necessary to carry out the provisions of sections 70 to 95, inclusive, of this act.*

Sec. 84. *Sections 70 to 95, inclusive, of this act must be construed liberally to effectuate the purposes of those sections.*

Sec. 85. *The director shall not finance a renewable energy generation project unless, before financing:*

1. *The renewable energy generation project has been finally approved by the task force after a public hearing on the matter.*

2. *The director finds and the state board of finance approves the findings of the director that:*

(a) *The contemplated lessee, purchaser or other obligor has sufficient financial resources to place the renewable energy generation project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement;*

(b) *There are sufficient safeguards to assure that all money provided by the director will be expended solely for the purposes of the renewable energy generation project; and*

(c) *The total amount of money necessary to be provided by the director for financing the renewable energy generation project has been determined in writing by the task force on a form acceptable to the director.*

3. *For the issuance of state securities, the director and the state board of finance have received and approved the authorizing documents showing the legal authority for the obligor to borrow and repay the proceeds of the state securities.*

4. *For the issuance of revenue bonds, the director and the state board of finance have received and approved:*

(a) *The financial plan showing that the revenues to be derived from the renewable energy generation project are adequate to pay the principal and interest on such bonds;*

(b) *A 5-year operating history or evidence of sufficient financial resources from the contemplated lessee, purchaser or other obligor or from a parent or*

other guarantor, who guarantees the payments of principal and interest on any bonds issued; and

(c) A written statement from the obligor affirming that the obligor does not undertake to commit the state, and any political subdivision or municipality thereof, to incur any pecuniary liability in connection with the issuance of the bonds.

Sec. 86. 1. *The bonds must be authorized by an order of the director, and must:*

- (a) Be in the denominations;*
- (b) Bear the date or dates;*
- (c) Mature at the time or times, not exceeding 30 years after their respective dates;*
- (d) Bear interest at a rate or rates specified in the order;*
- (e) Be in the form;*
- (f) Carry the registration privileges;*
- (g) Be executed in the manner;*
- (h) Be payable at the place or places within or without the state; and*
- (i) Be subject to the terms of redemption,*
which the order authorizing their issue provides.

2. *The bonds may be sold in one or more series at par, or below or above par, in the manner and for the price or prices which the director determines in his discretion.*

3. *State securities must be authorized by resolution of the board of finance at the request of the director.*

4. *As an incidental expense to any renewable energy generation project to be financed by the bonds, the director may employ:*

- (a) Financial and legal consultants in regard to the financing of the renewable energy generation project; and*
- (b) A person whose business is in Nevada or elsewhere to act as a trustee for the renewable energy generation project.*

5. *The bonds are fully negotiable under the terms of the Uniform Commercial Code—Investment Securities.*

Sec. 87. 1. *The director may, to pay the cost of any renewable energy generation project, borrow money or otherwise become obligated, and may provide evidence of those obligations by issuing, except as otherwise provided in this subsection, state securities or revenue bonds. If the obligor is not a governmental entity, the director shall issue only revenue bonds to fulfill the obligation.*

2. *State obligations may be outstanding pursuant to this section in an aggregate principal amount of not more than \$300,000,000.*

3. *State securities must be payable from taxes and may be additionally secured by all or any designated revenues from one or more renewable energy generation projects. Any governmental entity statutorily authorized to levy taxes for the payment of bonded indebtedness may use the proceeds of those taxes to pay the principal, interest and redemption premiums due in*

connection with state securities issued pursuant to this section. Any such state securities may be issued without an election or other preliminaries. No state securities may be issued to refund any municipal securities issued to finance a renewable energy generation project before July 1, 2001.

4. The provisions of NRS 349.150 to 349.364, inclusive, which are not inconsistent with the provisions of sections 70 to 95, inclusive, of this act, apply to the issuance of state securities pursuant to this section. The provisions of NRS 349.400 to 349.670, inclusive, which are not inconsistent with the provisions of sections 70 to 95, inclusive, of this act, apply to the issuance of revenue bonds pursuant to this section.

5. The legislature finds and declares that the issuance of state securities pursuant to sections 70 to 95, inclusive, of this act:

(a) Is necessary for the protection and preservation of the natural resources of this state and for the purpose of obtaining the benefits thereof; and

(b) Constitutes an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the constitution of the State of Nevada.

Sec. 88. 1. The director may charge the obligor a fee not to exceed 2 percent of the principal amount of the financing, including a nonrefundable application fee not to exceed 0.25 percent of the principal amount or \$7,500, whichever is less, payable either in advance or at the time the bonds are issued. The director shall deposit all money received pursuant to this section, except money received from application fees, with the state treasurer for credit to the account for the financing of renewable energy generation projects.

2. Money received from application fees collected pursuant to this section must be:

(a) Accounted for separately in the state general fund.

(b) Used by the director to support the operations of his office in administering the provisions of sections 70 to 95, inclusive, of this act.

3. Whether or not bonds are issued, the director shall use money received pursuant to this section, except money received from application fees, to reimburse his office for the expenses and costs incurred in financing the renewable energy generation project and, within the limits of money available for this purpose, to reimburse a municipality pursuant to the provisions of section 95 of this act. Any portion of the money so received, except money received from application fees, which exceeds the director's expenses and costs must be refunded to the obligor.

Sec. 89. 1. Except as otherwise provided in subsection 3 and section 88 of this act, all amounts received by the director from an obligor in connection with any financing undertaken pursuant to sections 70 to 95, inclusive, of this act, must be deposited with the state treasurer for credit to the account for the financing of renewable energy generation projects which is hereby created in the fund for the municipal bond bank.

2. *Any revenue from renewable energy generation projects financed with state securities which is in the account must be applied in the following order of priority:*

(a) *Deposited into the consolidated bond interest and redemption fund in amounts necessary to pay the principal, interest and redemption premiums due in connection with state securities issued for renewable energy generation projects.*

(b) *Deposited into any reserve account created for the payment of the principal, interest and redemption premiums due in connection with state securities issued for renewable energy generation projects, in amounts and at times determined to be necessary.*

(c) *Paid out for expenses of operation and maintenance.*

3. *Any revenue from renewable energy generation projects financed with revenue bonds may:*

(a) *Be deposited in the account for the financing of renewable energy generation projects and subject to the provisions of subsection 2; or*

(b) *Subject to any agreement with the holders of the bonds, be invested, deposited or held by the director in such funds or accounts as he deems necessary or desirable. If the director is acting pursuant to this subsection, he need not deposit the money in the state treasury and the provisions of chapters 355 and 356 of NRS do not apply to any investments or deposits made pursuant to this subsection.*

Sec. 90. 1. *Any bonds issued pursuant to the provisions of sections 70 to 95, inclusive, of this act, may be refunded by the director by the issuance of refunding bonds in an amount which he deems necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.*

2. *Refunding may be carried out whether or not the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.*

3. *All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.*

Sec. 91. *No action may be brought questioning the legality of any contract, lease, agreement, indenture, mortgage, order or bonds executed, adopted or taken in connection with any renewable energy generation*

project or improvements authorized pursuant to sections 70 to 95, inclusive, of this act, after 30 days after the effective date of the order of the director authorizing the issuance of those bonds.

Sec. 92. The faith of the state is hereby pledged that sections 70 to 95, inclusive, of this act, will not be repealed, amended or modified to impair any outstanding bonds or any revenues pledged to their payment, or to impair, limit or alter the rights or powers vested in a city or county to acquire, finance, improve and equip a renewable energy generation project in any way that would jeopardize the interest of any lessee, purchaser or other obligor, or to limit or alter the rights or powers vested in the director to perform any agreement made with any lessee, purchaser or other obligor, until all bonds have been discharged in full or provisions for their payment and redemption have been fully made.

Sec. 93. A renewable energy generation project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to sections 70 to 95, inclusive, of this act, except that the provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction work to be done on a renewable energy generation project.

Sec. 94. 1. The state engineer shall advise the task force, upon its request, of the existence and status of any water rights which affect a renewable energy generation project under consideration by the task force.

2. Upon the request of the task force and within the limits of available resources and staff, the director and the consumer's advocate of the bureau of consumer protection in the office of the attorney general may on a case by case basis assist persons in the preparation of a preliminary plan for a renewable energy generation project.

Sec. 95. 1. When any municipality or other obligor desires to undertake a renewable energy generation project it may present its preliminary plan to the task force for approval. The task force shall analyze the potential output of the renewable energy generation project, and may tentatively approve it if it will increase the quantity of electricity available for use in this state.

2. If the task force, after a public hearing on the issue, tentatively approves the renewable energy generation project, the municipality or other obligor may proceed to prepare a final plan and submit it for final approval. If the task force finally approves the renewable energy generation project, the cost of the final plan may be included in the cost of the renewable energy generation project. If the task force does not finally approve the renewable energy generation project, the director may, within the limits of money

available for this purpose in the account for the financing of renewable energy generation projects, reimburse a municipality for the costs incurred after the tentative approval.

Sec. 96. NRS 349.987 is hereby amended to read as follows:

349.987 1. The provisions of NRS 349.150 to 349.364, inclusive, which are not inconsistent with the provisions of NRS 349.980 to 349.987, inclusive, apply to the bonds issued pursuant to NRS 349.986.

2. The provisions of NRS 349.935 to 349.956, inclusive, and 349.961 *and sections 70 to 95, inclusive, of this act*, do not apply to the program or to any grants made or bonds issued pursuant to NRS 349.986.

Sec. 97. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 354.59813, 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, *or for the payment of obligations issued to pay the cost of a renewable energy generation project pursuant to section 87 of this act*, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS 350.085 to 350.095, inclusive.

Sec. 98. Chapter 523 of NRS is hereby amended by adding thereto the provisions set forth as sections 99 to 107, inclusive, of this act.

Sec. 99. *"Biomass" means any organic matter that is available on a renewable basis, including, without limitation:*

1. *Agricultural crops and agricultural wastes and residues;*
2. *Wood and wood wastes and residues;*
3. *Animal wastes;*
4. *Municipal wastes; and*
5. *Aquatic plants.*

Sec. 100. *"Bureau" means the bureau of consumer protection created within the office of the attorney general pursuant to NRS 228.310.*

Sec. 101. *"Consumer's advocate" means the executive head of the bureau or his designee.*

Sec. 102. 1. *"Renewable energy" means:*

- (a) *Biomass;*
- (b) *Hydrogen;*
- (c) *Geothermal energy;*
- (d) *Solar energy;*
- (e) *Waterpower; and*
- (f) *Wind.*

2. *The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.*

Sec. 103. *"Task force" means the task force for renewable energy and energy conservation created by section 105 of this act.*

Sec. 104. 1. *The trust fund for renewable energy and energy conservation is hereby created in the state treasury. The state treasurer shall deposit in the fund all money received by him for credit to the fund pursuant to section 47 of this act.*

2. *The task force shall administer the fund. As administrator of the fund, the task force:*

- (a) *Shall maintain the financial records of the fund;*
- (b) *Shall invest the money in the fund as the money in other state funds is invested;*
- (c) *Shall manage any account associated with the fund;*
- (d) *Shall maintain any instruments that evidence investments made with the money in the fund;*
- (e) *May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and*
- (f) *May perform any other duties that are necessary to administer the fund.*

3. *The interest and income earned on the money in the fund must, after deducting any applicable charges, be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.*

4. *Not more than 2 percent of the money in the fund may be used to pay the costs of administering the fund.*

5. *The money in the fund remains in the fund and does not revert to the state general fund at the end of any fiscal year.*

6. *All money that is deposited or paid into the fund may only be expended pursuant to an allocation made by the task force. Money expended from the fund must not be used to supplant existing methods of funding that are available to public agencies.*

Sec. 105. 1. *The task force for renewable energy and energy conservation is hereby created. The task force consists of nine members who are appointed as follows:*

(a) *Two members appointed by the majority leader of the senate, one of whom represents the interests of private industry with respect to renewable energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.*

(b) *Two members appointed by the speaker of the assembly, one of whom represents the interests of private industry with respect to renewable energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.*

(c) *Two members appointed by the minority leader of the senate, one of whom represents the interests of state government and the other of whom represents the interests of the building, mining or gaming industry in this state.*

(d) *Two members appointed by the minority leader of the assembly, one of whom represents the interests of local government and the other of whom represents the interests of the public utilities in this state.*

(e) *One member appointed by the consumer's advocate to represent the interests of the consumers in this state.*

2. *A member of the task force:*

(a) *Must be a citizen of the United States and a resident of this state.*

(b) *Must have training, education, experience or knowledge concerning:*

(1) *The development or use of renewable energy;*

(2) *Financing, planning or constructing renewable energy generation projects;*

(3) *Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;*

(4) *Weatherization;*

(5) *Building and energy codes and standards;*

(6) *Grants or incentives concerning energy;*

(7) *Public education or community relations; or*

(8) Any other matter within the duties of the task force.

(c) Must not be an officer or employee of the legislative or judicial department of state government.

3. After the initial terms, the term of each member of the task force is 3 years. A vacancy on the task force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the task force.

4. A member of the task force who is an officer or employee of this state or a political subdivision of this state must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the task force and perform any work that is necessary to carry out the duties of the task force in the most timely manner practicable. A state agency or political subdivision of this state shall not require an officer or employee who is a member of the task force to:

(a) Make up the time he is absent from work to carry out his duties as a member of the task force; or

(b) Take annual leave or compensatory time for the absence.

Sec. 106. 1. The members of the task force shall select a chairman and vice chairman from among their membership. The vice chairman shall perform the duties of the chairman during any absence of the chairman.

2. The chairman and vice chairman serve in those positions for terms of 1 year. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled for the remainder of the unexpired term in the same manner as the original selection.

3. A majority of the members of the task force constitutes a quorum. A majority of the members present during a quorum may exercise all the power and authority conferred on the task force.

4. The task force shall meet at least four times annually or more frequently at the discretion of the chairman.

5. Except as otherwise provided in this subsection, the members of the task force serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally. For each day of attendance at a meeting of the task force and while engaged in the business of the task force, a member of the task force who:

(a) Is an officer or employee of this state or a political subdivision of this state is entitled to receive the per diem and travel expenses provided for state officers and employees generally, paid by his governmental employer.

(b) Represents the interests of a nonprofit organization is entitled to receive the per diem and travel expenses provided for state officers and employees generally, paid from the trust fund for renewable energy and energy conservation.

6. The consumer's advocate shall provide the task force with administrative and clerical support and with such other assistance as may be necessary for the task force to carry out its duties. Such support and assistance must include, without limitation, making arrangements for

facilities, equipment and other services in preparation for and during meetings.

Sec. 107. 1. The task force shall establish comprehensive plans for the promotion and use in this state of renewable energy and for the promotion and use in this state of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

2. The comprehensive plans established by the task force must include provisions for:

(a) The education of persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(b) The creation of incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(c) Grants and other money to establish programs and projects which incorporate the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(d) Oversight and accountability with respect to the promotion and use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(e) The development or incorporation by reference of model and uniform building and energy codes and standards which are written in language which is easy to understand and which include performance standards for conservation of energy and efficient use of energy.

(f) Any other matter that the task force determines to be relevant to the promotion and use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

3. In addition to establishing the comprehensive plans, the task force shall:

(a) Solicit grants and other money from the Federal Government and other sources to promote the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(b) Identify and provide incentives to developers and builders to incorporate, in homes and other buildings, the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy, including, without limitation:

(1) Systems for the heating of water by solar power;

(2) Active or passive solar daylighting systems that reduce the consumption of energy; and

(3) Net metering systems.

(c) Promote programs to conserve energy or to make energy use more efficient through various devices, including, without limitation, devices that turn off air-conditioning systems for a limited time during periods of peak electrical demand.

(d) *Evaluate the benefits of distributed generation and consider paying for the cost of a pilot project involving a distributed generation unit which uses renewable energy as its primary source of energy to generate electricity and which generates more than 20 kilowatts of electricity per hour.*

(e) *Carry out the duties assigned to the task force pursuant to sections 70 to 95, inclusive, of this act.*

(f) *Take any other actions that the task force deems necessary to carry out its duties, including, without limitation, contracting with consultants, if necessary, for the purposes of program design or to assist the task force in carrying out its duties.*

4. *As used in this section:*

(a) *"Distributed generation" means the generation of electricity in close proximity to the place of use, including, without limitation, the use of generators and small turbines.*

(b) *"Net metering system" has the meaning ascribed to it in NRS 704.771.*

Sec. 108. NRS 523.011 is hereby amended to read as follows:

523.011 1. The legislature finds that:

(a) Energy is essential to the economy of the state and to the health, safety and welfare of the people of the state.

(b) The state has a responsibility to encourage the maintenance of a reliable and economical supply of energy at a level which is consistent with the protection of environmental quality.

(c) The state has a responsibility to encourage the utilization of a wide range of measures which reduce wasteful uses of energy resources.

(d) Planning for energy conservation and future energy requirements should include consideration of state, regional and local plans for land use, urban expansion, transportation systems, environmental protection and economic development.

(e) Government and private enterprise need to accelerate research and development of ~~[alternative]~~ sources of *renewable* energy and to improve technology related to the research and development of existing sources of energy.

(f) While government and private enterprise are seeking to accelerate research and development of ~~[alternative]~~ sources of *renewable* energy, they must also prepare for and respond to the advent of competition within the electrical energy industry and are, therefore, encouraged to maximize the use of indigenous energy resources to the extent competitively and economically feasible.

(g) Prevention of delays and interruptions in providing energy, protecting environmental values and conserving energy require expanded authority and capability within state government.

2. It is the policy of this state to encourage participation with all levels of government and private enterprise in cooperative state, regional and national programs to assure adequate supplies of energy resources and markets for such energy resources.

3. It is the policy of this state to assign the responsibility for managing and conserving energy and its sources to agencies whose other programs are similar, to avoid duplication of effort in developing policies and programs for energy.

Sec. 109. NRS 523.021 is hereby amended to read as follows:

523.021 As used in this chapter, unless the context otherwise requires ~~[-~~

1. ~~“Department” means the department of business and industry.~~

2. ~~“Director” means the director of the department.]~~, the words and terms defined in sections 99 to 103, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 110. NRS 523.051 is hereby amended to read as follows:

523.051 The ~~[director]~~ consumer's advocate may:

1. Administer any gifts or grants which the ~~[department]~~ bureau is authorized to accept for the purposes of this chapter.

2. Expend money received from those gifts or grants or from legislative appropriations to contract with qualified persons or institutions for research in the production and efficient use of energy resources.

3. Enter into any cooperative agreement with any federal or state agency or political subdivision.

4. Participate in any program established by the Federal Government relating to sources of energy and adopt regulations appropriate to that program.

Sec. 111. NRS 523.131 is hereby amended to read as follows:

523.131 The ~~[director]~~ consumer's advocate shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources.

2. Utilize all available public and private means to provide information to the public about problems relating to energy and to explain how conservation of energy and its sources may be accomplished.

3. Review and evaluate information which identifies trends and permits forecasting of the energy available to the state. Such forecasts must include estimates on:

(a) The level of demand for energy in the state for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; ~~[and]~~

(d) The ~~[alternative]~~ sources of *renewable* energy which are available and their possible effects ~~[-]~~; and

(e) *The reduction in the demand for energy which is possible from available and practicable measures that conserve or reduce the demand for energy or which result in more efficient use of energy.*

4. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the state.

5. Encourage the development of ~~[any existing and alternative]~~ :

(a) *Any existing sources of energy and any sources of renewable energy which will benefit the state* ~~[]~~ ; and

(b) *Any measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

6. In conjunction with the desert research institute, review policies relating to the research and development of the state's geothermal resources and make recommendations to the appropriate state and federal agencies for establishing methods of developing the geothermal resources within the state.

7. *To the extent practicable, carry out his powers and duties pursuant to this chapter in consultation with the task force to avoid duplication of effort in developing policies and programs for renewable energy and energy conservation.*

Sec. 112. NRS 523.141 is hereby amended to read as follows:

523.141 1. The ~~[director]~~ *consumer's advocate* shall prepare a state energy conservation plan which provides methods for conserving and improving efficiency in the use of energy resources and establishes procedures for reducing the rate of growth of energy demand and minimizing the adverse social, economic, political and environmental effects of increasing energy resource consumption.

2. The plan must be ~~[presented]~~ :

(a) *Consistent with the comprehensive plans established by the task force pursuant to section 107 of this act.*

(b) *Presented to the governor, and upon approval by the governor, may be submitted by him in compliance with any program established by the Federal Government.*

Sec. 113. NRS 523.151 is hereby amended to read as follows:

523.151 The ~~[director]~~ *consumer's advocate* shall:

1. Prepare, subject to the approval of the governor, petroleum allocation and rationing plans for possible energy contingencies. The plans ~~[shall]~~ *must* be carried out only by executive order of the governor.

2. Carry out and administer any federal programs which authorize state participation in fuel allocation programs.

Sec. 114. NRS 523.161 is hereby amended to read as follows:

523.161 1. Except for those energy resources for ~~[whose]~~ *which* priorities of use are established by the public utilities commission of Nevada, the ~~[director]~~ *consumer's advocate* may recommend to state agencies, local governments and appropriate private persons and entities, standards for conservation of energy and its sources and for carrying out the state plan for the conservation of energy.

2. In recommending such standards, the ~~[director]~~ *consumer's advocate* shall consider the usage of energy and its sources in the state and the methods available for conservation of those sources.

Sec. 115. NRS 523.164 is hereby amended to read as follows:

523.164 1. The ~~{director}~~ *consumer's advocate* shall adopt regulations for the conservation of energy in buildings, including manufactured homes, which establish the minimum standards for:

- (a) The construction of floors, walls, ceilings and roofs;
- (b) The equipment and systems for heating, ventilation and air-conditioning;
- (c) Electrical equipment and systems;
- (d) Insulation; and
- (e) Other factors which affect the use of energy in a building.

2. The ~~{director}~~ *consumer's advocate* may exempt a building from a standard if he determines that application of the standard to the building would not accomplish the purpose of the regulations.

3. The regulations must authorize allowances in design and construction for ~~{solar, wind or any other renewable source}~~ :

(a) *Sources of renewable energy used to supply all or a part of the energy required in a building* ~~{-}~~ ; and

(b) *Measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

4. The standards adopted by the ~~{director}~~ *consumer's advocate* are the minimum standards for the conservation of energy which apply only to areas in which the governing body of the local government has not adopted standards for the conservation of energy in buildings. Such governing bodies shall assist the ~~{director}~~ *consumer's advocate* in the enforcement of the regulations adopted pursuant to this section.

5. The ~~{director}~~ *consumer's advocate* shall solicit comments regarding the adoption of regulations pursuant to this section from:

- (a) Persons in the business of constructing and selling homes;
- (b) Contractors;
- (c) Public utilities;
- (d) Local building inspectors; and
- (e) The general public,

before adopting any regulations. The ~~{director}~~ *consumer's advocate* must conduct at least three hearings in different locations in the state, after giving 30 days' notice of each hearing, before he may adopt any regulations pursuant to this section.

Sec. 116. NRS 523.167 is hereby amended to read as follows:

523.167 1. In a county whose population is 100,000 or more, a building whose construction began on or after October 1, 1983, must not contain a system using electric resistance for heating spaces unless:

- (a) The system is merely supplementary to another means of heating;
- (b) Under the particular circumstances no other primary means of heating the spaces is a feasible or economical alternative to heating by electric resistance; or

(c) The ~~[department]~~ bureau determines that the present or future availability of other sources of energy is so limited as to justify the use of such a system.

2. This section does not prohibit the use of incandescent or fluorescent lighting.

Sec. 117. NRS 523.171 is hereby amended to read as follows:

523.171 The ~~[director]~~ consumer's advocate, in cooperation with the chief of the buildings and grounds division of the department of administration, shall, upon request, provide information and assistance to any agency, bureau, board, commission, department or division which is engaged in the management, planning, utilization and distribution of energy.

Sec. 118. NRS 523.181 is hereby amended to read as follows:

523.181 The ~~[director]~~ consumer's advocate shall prepare a report concerning the status of energy in the State of Nevada and submit it to:

1. The governor on or before January 30 of each year; and
2. The legislature on or before January 30 of each odd-numbered year.

Sec. 119. Assembly Bill No. 369 of this session is hereby amended by adding thereto a new section designated sec. 15.5, following sec. 15, to read as follows:

Sec. 15.5. *The provisions of sections 8 to 18, inclusive, of this act do not prohibit an electric utility from pledging, mortgaging, granting a security interest in or otherwise encumbering any of its generation assets or other property for the purpose of securing indebtedness of the electric utility which exists on the effective date of this act or which is issued or incurred by the electric utility after the effective date of this act in financing transactions approved by the commission.*

Sec. 120. Section 33 of Assembly Bill No. 369 of this session is hereby amended to read as follows:

Sec. 33. The public utilities commission of Nevada shall:

1. Amend, modify, supplement, annul or vacate any order or directive issued by the commission before the effective date of this act that authorizes or requires an electric utility to dispose of any generation asset, if such disposal would violate the provisions of this act;

2. Take all appropriate action to request that the Federal Energy Regulatory Commission and any other officer, agency or department of the Federal Government:

(a) Not issue any order or directive that authorizes or requires an electric utility to dispose of any generation asset, if such an order or directive could be interpreted as being in conflict with or preempting the provisions of this act; and

(b) Amend, modify, supplement, annul or vacate any order or directive issued before, on or after the effective date of this act that authorizes or requires an electric utility to dispose of any generation asset, if such an order or directive could be interpreted as being in conflict with or preempting the provisions of this act;

3. If any action taken pursuant to subsection 2 is unsuccessful, take all appropriate legal action to challenge any order or directive issued by the Federal Energy Regulatory Commission or any other officer, agency or department of the Federal Government that authorizes or requires an electric utility to dispose of any generation asset, if such an order or directive could be interpreted as being in conflict with or preempting the provisions of this act; ~~and~~

4. *On or before October 1, 2001, adopt such revisions to its regulations concerning deferred accounting and deferred accounts as are required to carry out the provisions of this act; and*

5. Take any other action or issue any other orders necessary to carry out the provisions of this act.

Sec. 121. Section 35 of Assembly Bill No. 369 of this session is hereby amended to read as follows:

Sec. 35. Except as otherwise provided in section 36 of this act and notwithstanding the provisions of any other specific statute to the contrary:

1. An electric utility shall not file an application for a fuel and purchased power rider on or after the effective date of this act.

2. Each application for a fuel and purchased power rider filed by an electric utility which is pending with the commission on the effective date of this act and which the electric utility did not place into effect before or on April 1, 2001, is void and unenforceable and is not valid for any purpose after April 1, 2001.

3. If, before March 1, 2001, an electric utility incurred any costs for fuel or purchased power, including, without limitation, any costs for fuel or purchased power recorded or carried on the books and records of the electric utility, and those costs were not recovered or could not be recovered pursuant to a fuel and purchased power rider placed into effect by the electric utility before March 1, 2001, the electric utility is not entitled, on or after March 1, 2001, to recover any of those costs for fuel or purchased power from customers, and the commission shall not allow the electric utility to recover any of those costs for fuel or purchased power from customers.

4. Except as otherwise provided in this section, on and after the effective date of this act:

(a) The commission shall not take any further action on the comprehensive energy plan, and each electric utility that jointly filed the comprehensive energy plan shall be deemed to have withdrawn the comprehensive energy plan;

(b) The rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan shall be deemed to be a component of the electric utility's rates for fuel and purchased power; and

(c) The revenues ~~collected~~ *for services provided* by each electric utility ~~before April~~ *for the period of March 1, 2001, to March 31, 2001, inclusive,* from the rates that each electric utility placed into effect on March 1, 2001,

pursuant to the comprehensive energy plan shall be deemed to be a credit in the electric utility's deferred accounts.

5. On or before October 1, 2001, each electric utility that primarily serves densely populated counties shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*. On or before December 1, 2001, each electric utility that primarily serves densely populated counties shall file an application to clear its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*. After such an electric utility files the application to clear its deferred accounts, the commission shall investigate and determine whether the rates that the electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices. On the date on which the commission issues a final order on the general rate application, the commission shall issue a final order on the electric utility's application to clear its deferred accounts. The total rates to provide electric service that were in effect on April 1, 2001, for the electric utility must remain in effect until the date on which the commission issues a final order on the general rate application. The commission shall not adjust the rates of the electric utility during this period unless such an adjustment is absolutely necessary to avoid rates that are confiscatory under the Constitution of the United States or the constitution of this state. The commission:

(a) May make such an adjustment only to the extent that it is absolutely necessary to avoid an unconstitutional result; and

(b) Shall not, in any proceedings concerning such an adjustment, approve any rate or grant any relief that is not absolutely necessary to avoid an unconstitutional result.

After the electric utility files the general rate application that is required by this subsection, the electric utility shall file general rate applications in accordance with subsection 3 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*. After the electric utility files the application to clear its deferred accounts that is required by this subsection, the electric utility shall file applications to clear its deferred accounts in accordance with section 19 of this act and subsection 7 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*.

6. On or before December 1, 2001, each electric utility that primarily serves less densely populated counties shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*. On or before February 1, 2002, each electric utility that primarily serves less densely populated counties shall file an application to clear its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*. After such an electric utility files the application to clear its deferred accounts, the commission shall investigate and determine whether the rates

that the electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices. On the date on which the commission issues a final order on the general rate application, the commission shall issue a final order on the electric utility's application to clear its deferred accounts. The total rates to provide electric service that were in effect on April 1, 2001, for the electric utility must remain in effect until the date on which the commission issues a final order on the general rate application. The commission shall not adjust the rates of the electric utility during this period unless such an adjustment is absolutely necessary to avoid rates that are confiscatory under the Constitution of the United States or the constitution of this state. The commission:

(a) May make such an adjustment only to the extent that it is absolutely necessary to avoid an unconstitutional result; and

(b) Shall not, in any proceedings concerning such an adjustment, approve any rate or grant any relief that is not absolutely necessary to avoid an unconstitutional result.

After the electric utility files the general rate application that is required by this subsection, the electric utility shall file general rate applications in accordance with subsection 3 of NRS 704.110, as amended by this act ~~[-]~~ *and Assembly Bill No. 661 of this session*. After the electric utility files the application to clear its deferred accounts that is required by this subsection, the electric utility shall file applications to clear its deferred accounts in accordance with section 19 of this act and subsection 7 of NRS 704.110, as amended by this act ~~[-]~~ *and Assembly Bill No. 661 of this session*.

Sec. 122. Section 36 of Assembly Bill No. 369 of this session is hereby amended to read as follows:

Sec. 36. Notwithstanding the provisions of any other specific statute to the contrary:

1. If, on or after January 1, 1999, and before the effective date of this act, an electric utility holding company entered into any transaction to acquire a controlling interest in a public utility that provides electric service primarily to customers located outside of this state, the electric utility holding company shall not carry out the transaction unless, on or after the effective date of this act:

(a) The electric utility holding company files with the commission an application for authorization of the transaction; and

(b) The commission issues a written order that authorizes the transaction. The commission shall not authorize the transaction unless the commission finds that the transaction will be in the public interest. The commission may base its authorization of the transaction upon such terms, conditions or modifications as the commission deems appropriate.

2. If the commission authorizes a transaction described in subsection 1 and, before July 1, 2003, the electric utility holding company acquires a

controlling interest in such a public utility, or any affiliate thereof, pursuant to the transaction:

(a) Each electric utility in which the electric utility holding company holds a controlling interest shall not use deferred accounting pursuant to section 19 of this act on or after the date on which the electric utility holding company acquires a controlling interest in the public utility, or any affiliate thereof;

(b) Not later than 90 days after that date, each such electric utility shall file one final application to clear the remaining balance in its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act ~~[]~~ *and Assembly Bill No. 661 of this session*;

(c) For each such electric utility, the commission shall not carry out the provisions of section 35 of this act concerning deferred accounting and deferred accounts; and

(d) The commission shall carry out the remaining provisions of section 35 of this act, including, without limitation, the commission's investigation and determination whether the rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices.

3. Any transaction that violates the provisions of this section is void and unenforceable and is not valid for any purpose.

Sec. 123. Section 7 of Senate Bill No. 203 of this session is hereby amended to read as follows:

Sec. 7. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 354.59813, 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, *and section 4 of this act*, for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations issued to pay the cost of a renewable energy generation project pursuant to section 87 of ~~[this act,]~~ *Assembly Bill No. 661 of this session*, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of

conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, “general long-term debt” does not include debt created for medium-term obligations pursuant to NRS 350.085 to 350.095, inclusive.

Sec. 124. 1. NRS 704.080, 704.090 and 704.275 are hereby repealed.

2. Section 10 of Assembly Bill No. 369 of this session is hereby repealed.

Sec. 125. 1. For the purposes of sections 3 to 26, inclusive, of this act:

(a) An electric utility that provides distribution services to an eligible customer who is purchasing energy, capacity or ancillary services from a provider of new electric resources shall charge the eligible customer based upon the rates for the electric utility’s distribution services that were on file with the commission on April 1, 2001, until the commission approves a change in those rates and such a change becomes effective.

(b) Not later than March 1, 2002, the commission shall establish the initial rates for all other components of electric service which are within the jurisdiction of the commission and which are necessary for a provider of new electric resources to sell energy, capacity and ancillary services to an eligible customer pursuant to the provisions of sections 3 to 26, inclusive, of this act. The commission may establish such initial rates as a part of a general rate application that is pending or filed with the commission on or after the effective date of this act.

2. The commission shall:

(a) Not later than November 1, 2001, adopt regulations to carry out and enforce the provisions of sections 3 to 26, inclusive, of this act.

(b) Not later than March 1, 2002, approve tariffs to carry out and enforce the provisions of section 22 of this act.

3. Notwithstanding the provisions of section 25 of this act, the commission is not required to submit a report to the legislative commission for any calendar quarter that ends before October 1, 2001.

4. As used this section, the words and terms defined in sections 4 to 16, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 126. 1. As soon as practicable after the effective date of this act, the governor shall appoint two additional commissioners to the public

utilities commission of Nevada as required by the provisions of this act. For the initial terms of those commissioners, the governor shall appoint:

(a) One commissioner whose term begins on October 1, 2001, and expires on September 30, 2003; and

(b) One commissioner whose term begins on October 1, 2001, and expires on September 30, 2004.

2. The provisions of this act do not abrogate or affect the term of office of any other commissioner of the public utilities commission of Nevada.

Sec. 127. 1. Notwithstanding the provisions of this act and except as otherwise provided in subsection 2, the department of business and industry and its director shall exercise all the power and perform all the duties that are assigned to the consumer's advocate of the bureau of consumer protection in the office of the attorney general pursuant to the provisions of chapter 523 of NRS, as amended by this act, until the date on which the attorney general certifies to the governor that the consumer's advocate is prepared to carry out those provisions, or until January 1, 2002, whichever occurs earlier.

2. During the period described in subsection 1, the consumer's advocate may exercise any power and perform any duty assigned to him pursuant to the provisions of chapter 523 of NRS, as amended by this act, if the exercise of the power or the performance of the duty is necessary as an organizational, preparatory or preliminary measure to prepare the consumer's advocate to carry out those provisions.

Sec. 128. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 129. 1. As soon as practicable after the effective date of this act, the appointing authorities set forth in section 105 of this act shall appoint members to the task force for renewable energy and energy conservation that is created by that section.

2. The initial appointed members of the task force shall, at the first meeting of the task force after their appointment, draw lots to determine which:

(a) Five members of the board will serve initial terms that expire on June 30, 2004.

(b) Four members of the board will serve initial terms that expire on June 30, 2003.

Sec. 130. 1. This section and sections 1 to 27, inclusive, 29, 31 to 129, inclusive, and 131 of this act become effective upon passage and approval.

2. Sections 28 and 30 of this act become effective on October 1, 2001.

Sec. 131. 1. The legislative counsel shall:

(a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

(b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

2. Any reference in a bill or resolution passed by the 71st session of the Nevada legislature to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency shall be deemed to refer to the officer or agency to which the responsibility is transferred.

TEXT OF REPEALED SECTIONS

704.080 Printing and posting of schedules. A copy, or so much of the schedule as the commission shall deem necessary for the use of the public, shall be printed in plain type and posted in every station or office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and conveniently inspected.

704.090 Schedule of joint rates: Filing; printing; posting. When a schedule of joint rates or charges is or may be in force between two or more public utilities, such schedule shall, in like manner, be printed and filed with the commission, and so much thereof as the commission may deem necessary for the use of the public shall be posted conspicuously in every station or office as provided in NRS 704.080.

704.275 Powers of commission: Standards for requiring hearing on telephone rates. The commission shall determine whether a hearing must be held when the proposed change by a public utility furnishing telephone service in any schedule stating a new or revised individual or joint rate or charge, or any new or revised individual or joint regulation or practice affecting any rate or charge, will result in an increase in annual gross revenue

as certified by the applicant of \$50,000 or 10 percent of the applicant's gross revenue, whichever is less.

Section 10 of Assembly Bill No. 369 of this session:

Sec. 10. *"Consumer's advocate" means the consumer's advocate of the bureau of consumer protection in the office of the attorney general."*

Amend the title of the bill to read as follows:

"AN ACT relating to energy; authorizing certain eligible customers to purchase electrical energy, capacity and certain ancillary services from providers of new electric resources; revising and repealing various provisions concerning the regulation of public utilities and the process of establishing and changing rates; expanding the public utilities commission of Nevada from three to five members; revising provisions relating to the employees and operations of the commission; requiring the commission to adopt certain regulations relating to the termination of utility service; enacting various provisions concerning contracts for the purchase of power and the construction and operation of electric generating units; providing for the levy of an assessment on certain electric generating units; revising the authority of the commission to regulate mergers, acquisitions and certain other transactions involving public utilities and other entities; making various changes with respect to net metering; establishing a program for the issuance of bonds to pay the cost of renewable energy generation projects; creating the task force for renewable energy and prescribing its membership and duties; creating the trust fund for renewable energy; transferring control of the Nevada state energy office from the director of the department of business and industry to the bureau of consumer protection in the office of the attorney general; and providing other matters properly relating thereto."

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Senate Bill No. 6 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 536 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Dini moved that Senate Bill No. 307 just reported out of committee, be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 135.

Bill read second time and ordered to third reading.

Senate Bill No. 153.

Bill read second time and ordered to third reading.

Senate Bill No. 228.

Bill read second time and ordered to third reading.

Senate Bill No. 274.

Bill read second time.

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

Amendment No. 837.

Amend sec. 5, page 1, line 15, by deleting “into a” and inserting: “into:

(a) A”.

Amend sec. 5, page 1, by deleting lines 17 through 19 and inserting: “the contractor or higher-tiered subcontractor shall pay the subcontractor:

(1) On or before the date payment is due; or

(2) Within 10 days after the date the contractor or higher-tiered subcontractor receives payment for all or a portion of the work, labor, materials, equipment or services described in a request for payment submitted by the subcontractor, whichever is earlier.

(b) A written subcontract that does not contain a schedule for payments, or a subcontract that is oral, the”.

Amend sec. 5, page 1, line 21, by deleting “(a)” and inserting “(1)”.

Amend sec. 5, page 2, line 1, by deleting “(b)” and inserting “(2)”.

Amend sec. 6, page 5, by deleting line 15 and inserting:

“of the subcontractor or lower-tiered subcontractor stopping his work or terminating a subcontract for reasonable cause and in”.

Amend sec. 11, page 10, by deleting lines 37 and 38 and inserting: “as a result of the contractor, subcontractor or lower-tiered subcontractor stopping his work or terminating a contract for reasonable cause and in accordance with this section or section 6 of this act.”.

Amend sec. 12, page 10, lines 41 and 42, by deleting: “or remodeling of a building” and inserting:

“~~[or remodeling of a building]~~ of a work of improvement”.

Amend sec. 12, page 10, line 43, after “Occupancy” by inserting: “or use of the work of improvement”.

Amend sec. 12, page 10, line 45, by deleting: “constructed or remodeled building” and inserting: “~~[constructed or remodeled building]~~ work of improvement”.

Amend sec. 12, page 10, by deleting lines 48 and 49 and inserting: “~~[building became available]~~”.

~~2.—The] work of improvement became available for use or occupancy.~~

2. *If the owner has complied with subsection 3, the owner may:”.*

Amend sec. 12, page 12, after line 25, by inserting:

“8. *As used in this section, unless the context otherwise requires, “work of improvement” has the meaning ascribed to it in NRS 108.221.”.*

Amend the bill as a whole by adding a new section designated sec. 13, following sec. 12, to read as follows:

“Sec. 13. NRS 99.040 is hereby amended to read as follows:

99.040 1. When there is no express contract in writing fixing a different rate of interest, interest must be allowed at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the transaction, plus 2 percent, upon all money from the time it becomes due, in the following cases:

(a) Upon contracts, express or implied, other than book accounts.

(b) Upon the settlement of book or store accounts from the day on which the balance is ascertained.

(c) Upon money received to the use and benefit of another and detained without his consent.

(d) Upon wages or salary, if it is unpaid when due, after demand therefor has been made.

The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

2. The provisions of this section do not apply to money owed:

(a) For the construction ~~[or remodeling of a building]~~ *of a work of improvement* pursuant to NRS 624.620; or

(b) By a contractor to his subcontractor pursuant to NRS 624.630.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 774.

Amend sec. 4, page 2, between lines 25 and 26, by inserting:

“5. *Develop and coordinate efforts to attract biotechnological companies to this state.*

6. *Establish and maintain a clearinghouse of information regarding biotechnological business in this state.”.*

Amend sec. 5, page 2, line 26, before “*The*” by inserting “*I.*”.

Amend sec. 5, page 2, line 28, by deleting “*I.*” and inserting “*(a)*”.

Amend sec. 5, page 2, line 29, by deleting “2.” and inserting “(b)”.

Amend sec. 5, page 2, between lines 31 and 32, by inserting:

“2. *The director may serve as a member of the Nevada Technology Council.*”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 418.

Bill read second time.

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

Amendment No. 883.

Amend section 1, page 2, by deleting lines 14 and 15 and inserting:

“(a) *Independently verify the accuracy of a statement made by an inspector certified pursuant to chapter 645D of NRS or another appropriate licensed or certified expert.*”.

Amend sec. 2, page 2, by deleting line 19 and inserting:

“645.257 1. A”.

Amend sec. 2, page 2, by deleting lines 32 through 34.

Amend sec. 3, page 2, by deleting lines 41 through 48 and inserting:

“2. *Except as otherwise provided in this subsection, the failure of the seller to make the disclosures required by NRS 113.130 and 113.135 if the information that would have been disclosed pursuant to NRS 113.130 and 113.135 is a public record which is readily available to the client. Notwithstanding the provisions of this subsection, a licensee is not relieved of the duties imposed by paragraph (a) of subsection 1 of NRS 645.252.*”.

Amend the bill as a whole by renumbering sections 7 and 8 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 645.830 is hereby amended to read as follows:

645.830 1. The following fees must be charged by and paid to the division:

For each original real estate broker’s, broker-salesman’s or corporate broker’s license ~~[\$170]~~ \$85

For each original real estate salesman’s license ~~[130]~~ 65

For each original branch office license 100

For real estate education, research and recovery to be paid at the time an original application for a license is filed 20

For real estate education, research and recovery to be paid at the time an application for a license ~~is filed or at the time a license~~ is renewed 40

For each renewal of a real estate broker’s, broker-salesman’s or corporate broker’s license 170

For each renewal of a real estate salesman’s license 130

For each renewal of a real estate branch office license	100
For each penalty for late filing of a renewal for a broker's, broker-salesman's or corporate broker's license	85
For each penalty for late filing of a renewal for a salesman's license	65
For each change of name or address	10
For each transfer of a real estate salesman's or broker-salesman's license and change of association or employment	10
For each duplicate license where the original license is lost or destroyed, and an affidavit is made thereof	10
For each change of status from broker to broker-salesman, or the reverse	10
For each reinstatement to active status of an inactive real estate broker's, broker-salesman's or salesman's license	10
For each reinstatement of a real estate broker's license when the licensee fails to give immediate written notice to the division of a change of name or business location	20
For each reinstatement of a real estate salesman's or broker-salesman's license when he fails to notify the division of a change of broker within 30 days of termination by previous broker	20
For each original registration of an owner-developer	100
For each annual renewal of a registration of an owner-developer	100
For each enlargement of the area of an owner-developer's registration	15
For each cooperative certificate issued to an out-of-state broker licensee for 1 year or fraction thereof	40
For each original accreditation of a course of continuing education	50
For each renewal of accreditation of a course of continuing education	10

2. The fees prescribed for courses of continuing education do not apply to any university or community college of the University and Community College System of Nevada.”.

Amend sec. 7, page 5, by deleting lines 18 through 20 and inserting “*himself*.”.

Amend sec. 8, page 5, line 21, by deleting: “5, 6 and 7” and inserting: “6 and 8”.

Amend sec. 8, page 5, by deleting line 23 and inserting:

“2. Sections 4, 5 and 7 of this act become effective on July 1, 2002.”.

Amend the title of the bill by deleting the third line and inserting: “of such real estate licensees; revising the schedule of fees paid to the real estate division of the department of business and industry;”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 860.

Amend sec. 11, page 6, line 10, by deleting “must” and inserting “[~~must~~] may”.

Amend sec. 11, page 6, line 11, by deleting “box,” and inserting “box and”.

Amend sec. 11, page 6, line 12, after “The” by inserting: “ballot box or”.

Amend sec. 11, page 6, line 14, by deleting “[~~ballot box~~]” and inserting: “ballot box or”.

Amend sec. 11, page 6, line 15, by deleting “[~~box~~]” and inserting “box or”.

Amend sec. 11, page 6, line 17, by deleting “[~~ballot box~~]” and inserting: “ballot box or”.

Amend sec. 11, page 6, by deleting lines 18 through 21 and inserting: “1, the county clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293.359.

3. *At the close of each voting day before the fourth voting day before the last day to vote early, the county clerk may deliver all ballots voted to the ballot board for early voting. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county”.*

Amend sec. 11, page 6, by deleting line 25 and inserting:

“(a) Each remaining ballot box [~~containing~~] and container that holds the”.

Amend sec. 11, page 6, line 31, by deleting “[~~ballot boxes~~]” and inserting: “ballot boxes and”.

Amend sec. 31, page 16, line 46, by deleting “must” and inserting “[~~must~~] may”.

Amend sec. 31, page 16, line 47, by deleting “box,” and inserting “box and”.

Amend sec. 31, page 16, line 48, after “The” by inserting: “ballot box or”.

Amend sec. 31, page 17, line 1, by deleting “[~~ballot box~~]” and inserting: “ballot box or”.

Amend sec. 31, page 17, line 2, by deleting “[~~box~~]” and inserting “box or”.

Amend sec. 31, page 17, line 3, by deleting “[~~ballot box~~]” and inserting: “ballot box or”.

Amend sec. 31, page 17, by deleting lines 4 through 7 and inserting: “1, the city clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293C.359.

3. *At the close of each voting day before the fourth voting day before the last day to vote early, the city clerk may deliver all ballots voted to the ballot board for early voting. At the close of the fourth voting day before the last*

day to vote early and at the close of each of the 3 days thereafter, the city clerk”.

Amend sec. 31, page 17, by deleting line 11 and inserting:

“(a) Each remaining ballot box ~~[containing]~~ and container that holds the”.

Amend sec. 31, page 17, line 17, by deleting “[~~ballot boxes~~]” and inserting: “ballot boxes and”.

Amend the bill as a whole by deleting sec. 40.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that upon return from the printer Senate Bill No. 401 be placed on the Chief Clerk’s desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 228 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 519.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 864.

Amend sec. 22, page 8, line 43, by deleting “NRS 179D.410.” and inserting:

“*paragraph (b) of subsection 6 of NRS 179.245.*”.

Amend sec. 23, page 9, by deleting line 40 and inserting:

“(b) “Sexual offense” ~~[has the meaning ascribed to it in NRS 179D.210.]~~ means:

(1) *Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.*

(2) *Sexual assault pursuant to NRS 200.366.*

(3) *Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.*

(4) *Battery with intent to commit sexual assault pursuant to NRS 200.400.*

(5) *An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.*

(6) *An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.*

(7) *Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.*

(8) *An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.*

(9) *Incest pursuant to NRS 201.180.*

(10) *Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.*

(11) *Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.*

(12) *Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.*

(13) *Lewdness with a child pursuant to NRS 201.230.*

(14) *Sexual penetration of a dead human body pursuant to NRS 201.450.*

(15) *Annoyance or molestation of a minor pursuant to NRS 207.260.*

(16) *An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.”.*

Amend the title of the bill by deleting the fifth and sixth lines and inserting: “entry into the community; revising the provisions regarding the sealing of records; and providing”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for establishment of programs for re-entry into community of certain prisoners and parolees and revises provisions regarding sealing of records. (BDR 16-1477)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 285:

YEAS—42.

NAYS—None.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 797.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 through 7 as sections 1 through 3.

Amend the bill as a whole by deleting sections 8 through 10, renumbering sec. 11 as sec. 5 and adding a new section designated sec. 4, following sec. 7, to read as follows:

“Sec. 4. Section 1 of Assembly Bill No. 130 of this session is hereby amended to read as follows:

Section 1. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district

in this state. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If ~~he~~ :

(a) A postprobationary teacher who is an administrator is not reemployed ~~in that capacity~~ as an administrator after either year of his probationary period ~~he may accept~~; and

(b) *There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,*

the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If ~~he~~ the person fails to accept the contract as a teacher, ~~he~~ the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed ~~in that capacity~~ as a principal after the expiration of the additional probationary period, ~~he may accept~~ *the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year ~~in writing, on or before May 10,~~ for the administrative position in which ~~he~~ the person attained postprobationary status. ~~If he~~ The person may accept the contract in writing on or before May 10. If the person fails to accept such*

a contract, ~~he~~ *the person* shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.”.

Amend the title of the bill to read as follows:

“AN ACT relating to educational personnel; revising provisions governing the evaluation and admonition of probationary and postprobationary employees of school districts; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding educational personnel. (BDR 34-297)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Dini.

Amendment adopted.

Assemblywoman Giunchigliani moved that Senate Bill No. 297 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 887.

Amend sec. 14, page 2, line 42, by deleting: “*authorized to engage*” and inserting: “*exempt from state prosecution for engaging*”.

Amend the bill as a whole by adding a new section designated sec. 14.5, following sec. 14, to read as follows:

“Sec. 14.5. “*State prosecution*” means prosecution initiated or maintained by the State of Nevada or an agency or political subdivision of the State of Nevada.”.

Amend sec. 15, page 2, by deleting lines 48 and 49 and inserting: “*thereof, that are appropriate for the medical use of marijuana*.”.

Amend the bill as a whole by deleting sections 17 and 18 and adding new sections designated sections 17 and 18, following sec. 16, to read as follows:

“Sec. 17. 1. Except as otherwise provided in this section and section 24 of this act, a person who holds a valid registry identification card issued to him pursuant to section 20 or 23 of this act is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of drug paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) *Aiding and abetting another in the possession or delivery of drug paraphernalia;*

(e) *Any combination of the acts described in paragraphs (a) to (d), inclusive; and*

(f) *Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of drug paraphernalia is an element.*

2. *In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.*

3. *The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to him pursuant to paragraph (a) of subsection 1 of section 20 of this act, and the designated primary caregiver, if any, of such a person:*

(a) *Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and*

(b) *Do not, at any one time, collectively possess, deliver or produce more than:*

- (1) *One ounce of usable marijuana;*
- (2) *Three mature marijuana plants; and*
- (3) *Four immature marijuana plants.*

4. *If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:*

(a) *Are not exempt from state prosecution for possession, delivery or production of marijuana.*

(b) *May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in section 25 of this act.*

Sec. 18. (Deleted by amendment.)”.

Amend sec. 24, page 8, by deleting lines 35 through 38 and inserting:

“Sec. 24. 1. *A person who holds a registry identification card issued to him pursuant to section 20 or 23 of this act is not exempt from state prosecution for, nor may he establish an*”.

Amend sec. 25, page 9, line 22, by deleting: “*sections 24 and 31*” and inserting “*section 24*”.

Amend sec. 25, page 9, line 34, by deleting: “*allowed pursuant to subsection 1 of section 18*” and inserting: “*described in paragraph (b) of subsection 3 of section 17*”.

Amend sec. 25, page 9, line 43, by deleting: “*allowed pursuant to subsection 1 of section 18*” and inserting: “*described in paragraph (b) of subsection 3 of section 17*”.

Amend sec. 25, page 10, line 12, by deleting: *“allowed pursuant to subsection 1 of section 18”* and inserting: *“described in paragraph (b) of subsection 3 of section 17”*.

Amend sec. 26, page 10, by deleting lines 48 and 49 and inserting: *“paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of”*.

Amend sec. 26, page 11, by deleting line 8 and inserting: *“engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be”*.

Amend sec. 28, page 11, line 41, by deleting: *“as authorized pursuant to”* and inserting: *“in accordance with”*.

Amend sec. 31, page 12, by deleting lines 37 through 40.

Amend the bill as a whole by adding new sections designated sections 31.3 and 31.7, following sec. 31, to read as follows:

“Sec. 31.3. 1. The director of the department may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter.

2. Any money the director receives pursuant to subsection 1 must be deposited in the state treasury pursuant to section 31.7 of this act.

Sec. 31.7. 1. Any money the director of the department receives pursuant to section 31.3 of this act or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the state treasury and accounted for separately in the state general fund;

(b) May only be used to carry out the provisions of this chapter, including the dissemination of information concerning the provisions of sections 2 to 33, inclusive, of this act and such other information as determined appropriate by the director; and

(c) Does not revert to the state general fund at the end of any fiscal year.

2. The director of the department shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the state are paid.”

Amend sec. 36, page 13, line 40, by deleting *“laws or”*.

Amend sec. 37, page 13, by deleting lines 44 and 45 and inserting: *“pursuant to, a prescription or order of a physician, osteopathic physician’s assistant, physician assistant, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the”*.

Amend sec. 40, page 17, line 6, by deleting: *“bureau of alcohol and drug abuse in”* and inserting: *“health division of”*.

Amend sec. 44, page 19, line 7, by deleting: *“as authorized pursuant to”* and inserting:

“in accordance with the provisions of”.

Amend sec. 45, page 19, lines 33 and 34, by deleting: *“as authorized pursuant to”* and inserting: *“in accordance with the provisions of”*.

Amend sec. 46, pages 19 and 20, by deleting line 49 on page 19 and line 1 on page 20, and inserting: *“lawful prescription issued in his name $\frac{1}{2}$ or that he was not using in accordance with the provisions of sections”*.

Amend sec. 47, page 20, by deleting lines 37 through 48 and inserting:

“1. Prescribing or administering to a patient under his care a controlled substance which is listed in schedule II, III, IV or V by the state board of pharmacy pursuant to NRS 453.146, if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with regulations adopted by the board.

2. Engaging in any activity in accordance with the provisions of sections 2 to 33, inclusive, of this act.”.

Amend the bill as a whole by deleting sec. 48 and adding:

“Sec. 48. (Deleted by amendment.)”.

Amend sec. 50, page 21, line 14, by deleting:

“and section 48 of this act become” and inserting *“becomes”*.

Amend sec. 50, page 21, by deleting line 20 and inserting: *“31.3, 31.7, 33 to 36, inclusive, 38 to 47, inclusive, and 49 of this act become effective on October 1, 2001.*

4. Section 37 of this act becomes effective at 12:01 a.m. on October 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to controlled substances; exempting the medical use of marijuana from state prosecution in certain circumstances; revising the penalties for possessing marijuana; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Exempts medical use of marijuana from state prosecution in certain circumstances and revises penalties for possessing marijuana. (BDR 40-121)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 558.

Bill read third time.

Remarks by Assemblymen Leslie, Koivisto, Parks, Neighbors and Humke.

Potential conflict of interest declared by Assemblymen Humke, Koivisto, Neighbors and Parks.

Roll call on Assembly Bill No. 558:

YEAS—42.

NAYS—None.

Assembly Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Senate Bill No. 54:

YEAS—29.

NAYS—Arberry, Bache, Buckley, Collins, de Braga, Freeman, Giunchigliani, Goldwater, Koivisto, Leslie, Marvel, Neighbors, Perkins—13.

Senate Bill No. 54 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Gustavson, Parnell and Collins.

Roll call on Senate Bill No. 57:

YEAS—36.

NAYS—Angle, Cegavske, Gustavson, Tiffany, Von Tobel—5.

NOT VOTING—Goldwater.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 88:

YEAS—42.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 119.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 119:

YEAS—40.

NAYS—Angle, Gustavson—2.

Senate Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 182.

Bill read third time.

Roll call on Senate Bill No. 182:

YEAS—42.

NAYS—None.

Senate Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 251:

YEAS—42.

NAYS—None.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Remarks by Assemblymen Carpenter, Arberry, Giunchigliani, Chowning, Price, Dini, Gustavson, Ocegura and Collins.

Roll call on Senate Bill No. 396:

YEAS—37.

NAYS—Arberry, Bache, Gibbons, Giunchigliani, Von Tobel—5.

Senate Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 424.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 424:

YEAS—42.

NAYS—None.

Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 467:

YEAS—42.

NAYS—None.

Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 540.

Bill read third time.

Roll call on Senate Bill No. 540:

YEAS—42.

NAYS—None.

Senate Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 563.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 563:

YEAS—42.

NAYS—None.

Senate Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 641.

Bill read third time.

Remarks by Assemblymen Chowning and Nolan.

Roll call on Assembly Bill No. 641:

YEAS—40.

NAYS—Bache, Giunchigliani—2.

Assembly Bill No. 641 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 525.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 525:

YEAS—40.

NAYS—Giunchigliani, Perkins—2.

Senate Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 191.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 260.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 924.

Amend sec. 4, page 4, by deleting lines 25 through 30 and inserting:
“shall:

(a) Give the holder the opportunity to indicate on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the anatomical gift account created by section 7 of *Assembly Bill No. 497 of this ~~act~~ session*; and

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization.

~~{5-}~~ 6. If the holder wishes to make a donation to the anatomical gift account, the department shall collect the donation and deposit the money collected in the state treasury for credit to the anatomical gift account.

~~{6-}~~ 7. The department shall submit to The Living Bank International, or its successor organization, information from the records of the department relating to persons who have identification cards issued by the department that indicate the intention of those persons to make an anatomical gift. The department shall adopt regulations to carry out the provisions of this subsection.

~~{7-}~~ 8. As used in this section, “photograph” has the meaning ascribed to it in NRS 483.125.”.

Amend sec. 8, page 5, by deleting line 32 and inserting:

“Sec. 8. 1. This section and sections 1, 2, 3, 5, 6 and 7 of this act become effective on July 1, 2001.

2. Section 4 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Assemblywoman Chowning moved the adoption of Amendment No. 924.

Remarks by Assemblywoman Chowning.

Amendment adopted.

The following amendment was proposed by Assemblymen Carpenter, Chowning and McClain.

Amendment No. 925.

Amend section 1, page 2, line 6, after “;” by inserting “and”.

Amend section 1, page 2, by deleting lines 7 and 8.

Amend section 1, page 2, line 9, by deleting “(4)” and inserting “(3)”.

Amend section 1, page 2, line 21, by deleting “[and]” and inserting “and”.

Amend section 1, page 2, lines 22 through 24, by deleting: “*He has held an instruction permit for not less than 6 months before he applies for the license; and*

(5)”.

Amend the bill as a whole by deleting sec. 7 and inserting:

“Sec. 7. (Deleted by amendment.)”.

Assemblyman Carpenter moved the adoption of Amendment No. 925.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 52.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 875.

Amend the bill as a whole by deleting sections 2 through 6.

Amend the title of the bill by deleting the second through fourth lines and inserting: “insurance payments may collect from patients; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Limits fees which providers of health services that accept insurance payments may collect from patients. (BDR 40-655)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 250.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 813.

Amend sec. 6, page 2, line 5, after “*provided in*” by inserting: “*this section and*”.

Amend sec. 6, page 2, line 12, after “2.” by inserting: “*The requirements of subsection 1 do not apply to a hospital in which fewer than 500 childbirths occur annually.*

3.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 219 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblywoman Buckley moved that the vote whereby Senate Bill No. 563 was passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 630.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 873.

Amend section 1, page 1, line 9, after "health." by inserting: "*The health division shall compile the information timely and not later than 6 months after it abstracts the information or receives the abstracted information from the health care facility.*".

Amend section 1, page 1, by deleting lines 15 through 18 and inserting: "facilities for which the health division abstracts".

Amend section 1, page 1, line 19, by deleting "misdemeanor." and inserting:

"misdemeanor ~~[-]~~ and shall be punished by a fine of \$1,000, and may be further punished by imprisonment in the county jail for not more than 6 months."

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The amendatory provisions of this act do not apply to offenses committed before July 1, 2001."

Amend the title of the bill to read as follows:

"AN ACT relating to cancer; revising the provisions governing certain records of a health care facility relating to cancer; making a fine mandatory for a violation of such provisions; and providing other matters properly relating thereto."

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 563.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 563:

YEAS—41.

NAYS—None.

NOT VOTING—Goldwater.

Senate Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 814.

Amend section 1, page 2, by deleting lines 21 through 24 and inserting: “discretion, is entitled to purchase the property by direct sale. If ~~no~~ a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the department’s appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the department. The department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph ~~[-, the department shall sell the property in the manner provided in subsection 2-]; or~~

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the department in writing that he wishes to purchase the property at the fair market value set forth in the notice.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 243.

The following Senate amendment was read:

Amendment No. 701.

Amend sec. 3, page 2, by deleting lines 21 and 22 and inserting: “and equipment. The term does not include:”.

Amend sec. 10, page 3, by deleting lines 47 and 48 and inserting: “used in the repair or maintenance of farm machinery and equipment. The term does not”.

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 243.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 433.

The following Senate amendment was read:

Amendment No. 702.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

“Sec. 1.5. NRS 361.082 is hereby amended to read as follows:

361.082 1. ~~[Real]~~ *That portion of real property and tangible personal property which is used for housing and related facilities for persons with low incomes ~~[are]~~ is exempt from taxation if the portion of property qualifies as a low-income unit and is part of a qualified low-income housing project that is funded in part by federal money appropriated pursuant to 42 U.S.C. §§ 12701 et seq. for the year in which the exemption applies.*

2. The portion of a qualified low-income housing project that is entitled to the property tax exemption *pursuant to subsection 1* must be determined by dividing the total assessed value of the housing project and the land upon which it is situated into the assessed value of the low-income units and related facilities that are occupied or used exclusively by persons with low incomes.

3. *The Nevada tax commission shall, by regulation, prescribe a form for an application for the exemption described in subsection 1.*

4. As used in this section, the terms “low-income unit” and “qualified low-income housing project” have the meanings ascribed to them in 26 U.S.C. § 42 . ~~[, as it existed on July 1, 1991.]~~”.

Amend the title of the bill, third line, after “use;” by inserting: “clarifying the exemption from taxation of certain property used for housing and related facilities by persons with low incomes;”.

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 433.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 105.

The following Senate amendment was read:

Amendment No. 664.

Amend sec. 5, page 2, by deleting lines 35 and 36 and inserting:

“202.260 1. A person who unlawfully possesses, manufactures ~~[,]~~ or disposes of any”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 105.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 162.

The following Senate amendment was read:

Amendment No. 567.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting:
 “205.0832 A person commits”.

Amend section 1, page 1, line 5, by deleting “[1-] (a)” and inserting “1.”.

Amend section 1, page 1, line 7, by deleting “[2-] (b)” and inserting “2.”.

Amend section 1, page 1, line 12, by deleting “[3-] (c)” and inserting “3.”.

Amend section 1, page 2, line 4, by deleting “[4-] (d)” and inserting “4.”.

Amend section 1, page 2, line 8, by deleting “[5-] (e)” and inserting “5.”.

Amend section 1, page 2, line 10, by deleting “[6-] (f)” and inserting “6.”.

Amend section 1, page 2, line 15, by deleting “[7-] (g)” and inserting “7.”.

Amend section 1, page 2, line 17, by deleting “[8-] (h)” and inserting “8.”.

Amend section 1, page 2, line 19, by deleting “[9-] (i)” and inserting “9.”.

Amend section 1, page 2, line 21, by deleting “(j)” and inserting “10.”.

Amend section 1, page 2, by deleting lines 24 through 28.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec.

2.

Amend the title of the bill, third line, by deleting: “under certain circumstances”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 162.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

The following Senate amendment was read:

Amendment No. 752.

Amend section 1, page 1, line 8, after “(b)” by inserting: “*Must include the amount of any attorney’s fees and costs to be paid pursuant to the agreement.*

(c)”.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:

If the labor commissioner enters into, effects or approves any compromise or settlement of a claim or dispute concerning or arising out of an alleged violation of the labor laws of this state, the terms and conditions of the compromise or settlement:

1. *Must be made available to the public upon request; and*

2. *Must not include any confidentiality clause or similar clause, and any such clause that is included in the terms and conditions of the compromise or settlement is void as against the public policy of this state.*

Sec. 4. The amendatory provisions of this act apply to any compromise or settlement that is executed on or after July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public records; providing that an agreement to settle a tort claim or action against a governmental entity or an officer or employee thereof is not confidential; providing that such an agreement must include the amount of any attorney’s fees and costs to be paid pursuant to the agreement; providing that if the labor commissioner enters into, effects or approves any compromise or settlement concerning an alleged violation of labor laws, the terms and conditions of the compromise or settlement are not confidential; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Enacts provisions governing confidentiality of certain information. (BDR 3-378)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 277.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 173.

The following Senate amendment was read:

Amendment No. 716.

Amend sec. 5, page 2, by deleting line 26 and inserting:

“4. *The parent or legal*”.

Amend sec. 5, page 2, by deleting lines 40 through 42.

Amend sec. 10, pages 3 and 4, by deleting lines 47 through 49 on page 3 and lines 1 through 4 on page 4 and inserting:

“3. *If the patient is a minor, the order is effective only if:*

(a) *The parent or legal guardian of the minor has agreed to its terms, in writing; and*

(b) *The minor has agreed to its terms, in writing, while he is capable of making an informed decision if, in the opinion of the attending physician, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment.”.*

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 173.

Remarks by Assemblywoman Koivisto.

Motion carried by a two-third’s constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 639.

The following Senate amendment was read:

Amendment No. 710.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 366.110 is hereby amended to read as follows:

366.110 The department:

1. Shall enforce the provisions of this chapter.
2. May adopt and enforce regulations relating to the administration and enforcement of this chapter.

3. *Shall, by regulation, define “incidentally operated or moved upon a highway” for the purpose of NRS 366.085.*

4. May determine whether any particular vehicle not specified in NRS 366.085 is special mobile equipment.

~~[4. Shall, on or before March 1, 2001, prepare and submit a written report concerning the administration and enforcement, during the immediately preceding biennium, of the provisions of this chapter as those provisions relate to the use of special fuel, to the director of the legislature counsel bureau for transmittal to the 71st session of the legislature.]~~

Sec. 2. NRS 366.200 is hereby amended to read as follows:

366.200 1. The sale or use of special fuel for any purpose other than to propel a motor vehicle upon the public highways of Nevada is exempt from the application of the tax imposed by NRS 366.190. The exemption provided in this subsection applies only in those cases where the purchasers or the users of special fuel establish to the satisfaction of the department that the special fuel purchased or used was used for purposes other than to propel a motor vehicle upon the public highways of Nevada.

2. Sales made to the United States Government or any instrumentality thereof are exempt from the tax imposed by this chapter.

3. Sales made to any state, county, municipality, district or other political subdivision thereof are exempt from the tax imposed by this chapter.

4. Sales made to any person to be used to propel a motor vehicle which is dedicated for exclusive use as part of a system which:

- (a) Operates motor vehicles for public transportation in an urban area;
 - (b) Transports persons who pay the established fare; and
 - (c) Uses public money to operate the system or acquire new equipment,
- are ~~exempted~~ exempt from the tax imposed by this chapter.

5. *Sales made to any person for use in operating special mobile equipment are exempt from the tax imposed by this chapter.”.*

Amend section 1, page 1, line 3, before “NRS” by inserting: “*subsection 3 or 4 of*”.

Amend section 1, page 1, by deleting line 17 and inserting: “*special mobile equipment or farm equipment that contains in the fuel tank of the special mobile equipment or farm equipment*”.

Amend section 1, page 2, by deleting lines 7 through 10 and inserting:

“(1) *Owned or leased by the operator of the farm equipment; and*

(2) *Used to store or process the crops or agricultural products.”.*

Amend the title of the bill by deleting the first line and inserting:

“AN ACT relating to taxes; exempting from the tax on special fuel sales of special fuel for use in operating special mobile equipment; limiting the circumstances under which special fuel must be dyed before it is removed for distribution from a rack; authorizing a person to operate or maintain on certain highways special mobile equipment or”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing taxation, distribution and use of special fuel. (BDR 32-1331)”.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 639.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 47.

The following Senate amendment was read:

Amendment No. 705.

Amend section 1, page 2, by deleting lines 5 through 7 and inserting:
“employer’s places of business, ~~[including, without limitation, each location at which the employer has directed one or more employees to perform work.]~~
except that if such a place of business is situated in a temporary location and is intended to remain in the temporary location for not more than 1 year, the copy must be made available at that place of business within 24 hours after being requested by the administrator, auditor, agent or investigator.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 47.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 48.

The following Senate amendment was read:

Amendment No. 802.

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 616A.430 is hereby amended to read as follows:

616A.430 1. There is hereby established as a special revenue fund in the state treasury the uninsured employers’ claim fund, which may be used only for the purpose of making payments in accordance with the provisions of NRS 616C.220 and 617.401. The administrator shall administer the fund and shall credit any excess money toward the assessments of the insurers for the succeeding years.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the administrator for the uninsured employers' claim fund must be delivered to the custody of the state treasurer.

3. All money and securities in the fund must be held by the state treasurer as custodian thereof to be used solely for workers' compensation.

4. The state treasurer may disburse money from the fund only upon written order of the state controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest money of the state general fund. Income realized from the investment of the assets of the fund must be credited to the fund.

6. *The administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount to be deposited in the uninsured employers' claim fund. To establish the amount of the assessment, the administrator shall determine the amount of money necessary to maintain an appropriate balance in the fund for each fiscal year and shall allocate a portion of that amount to be payable by private carriers, a portion to be payable by self-insured employers, a portion to be payable by associations of self-insured public or private employers and a portion to be payable by the employers who provide accident benefits pursuant to NRS 616C.265, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable, the administrator shall apply an assessment rate to the:*

(a) *Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;*

(b) *Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;*

(c) *Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and*

(d) *Employers who provide accident benefits pursuant to NRS 616C.265 that reflects the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims. The administrator shall adopt regulations for the establishment and administration of the assessment rates, payments and any penalties ~~[, based upon expected annual expenditures for claims. Assessment rates must reflect the relative hazard of the employments covered by the insurers, and must be based upon expected annual expenditures for claims.]~~ that the administrator determines are necessary to carry out the provisions of this subsection. As used in this*

subsection, the term “group of insurers” includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.

7. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any insurer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.”.

Amend sec. 5, page 2, line 28, by deleting “*that*” and inserting “*who*”.

Amend sec. 5, page 2, line 39, by deleting “*that*” and inserting “*who*”.

Amend the bill as a whole by renumbering sections 6 through 8 as sections 10 through 12 and adding new sections designated sections 7 through 9, following sec. 5, to read as follows:

“Sec. 7. NRS 616B.554 is hereby amended to read as follows:

616B.554 1. There is hereby established as a special revenue fund in the state treasury the subsequent injury fund for self-insured employers, which may be used only to make payments in accordance with the provisions of NRS 616B.557 and 616B.560. The board shall administer the fund based upon recommendations made by the administrator pursuant to subsection 8.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the board for the subsequent injury fund for self-insured employers must be delivered to the custody of the state treasurer.

3. All money and securities in the fund must be held by the state treasurer as custodian thereof to be used solely for workers’ compensation for employees of self-insured employers.

4. The state treasurer may disburse money from the fund only upon written order of the board.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The board shall adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must ~~reflect the relative hazard of the employments covered by~~ *result in an equitable distribution of costs among the self-insured employers* ~~and~~ and must be based upon expected annual expenditures for claims for payments from the subsequent injury fund for self-insured employers.

7. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any self-insured employer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

8. The administrator shall:

(a) Evaluate any claim submitted to the board for payment or reimbursement from the subsequent injury fund for self-insured employers

and recommend to the board any appropriate action to be taken concerning the claim; and

(b) Submit to the board any other recommendations relating to the fund.

Sec. 8. NRS 616B.575 is hereby amended to read as follows:

616B.575 1. There is hereby established as a special revenue fund in the state treasury the subsequent injury fund for associations of self-insured public or private employers, which may be used only to make payments in accordance with the provisions of NRS 616B.578 and 616B.581. The board shall administer the fund based upon recommendations made by the administrator pursuant to subsection 8.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the board for the subsequent injury fund for associations of self-insured public or private employers must be delivered to the custody of the state treasurer.

3. All money and securities in the fund must be held by the state treasurer as custodian thereof to be used solely for workers' compensation for employees of members of associations of self-insured public or private employers.

4. The state treasurer may disburse money from the fund only upon written order of the board.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The board shall adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must ~~reflect the relative hazard of the employments covered by~~ *result in an equitable distribution of costs among the* associations of self-insured public or private employers ~~[-]~~ and must be based upon expected annual expenditures for claims for payments from the subsequent injury fund for associations of self-insured public or private employers.

7. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any association of self-insured public or private employers that wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

8. The administrator shall:

(a) Evaluate any claim submitted to the board for payment or reimbursement from the subsequent injury fund for associations of self-insured public or private employers and recommend to the board any appropriate action to be taken concerning the claim; and

(b) Submit to the board any other recommendations relating to the fund.

Sec. 9. NRS 616B.584 is hereby amended to read as follows:

616B.584 1. There is hereby established as a special revenue fund in the state treasury the subsequent injury fund for private carriers, which may

be used only to make payments in accordance with the provisions of NRS 616B.587 and 616B.590. The administrator shall administer the fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the administrator for the subsequent injury fund for private carriers must be delivered to the custody of the state treasurer.

3. All money and securities in the fund must be held by the state treasurer as custodian thereof to be used solely for workers' compensation for employees whose employers are insured by private carriers.

4. The state treasurer may disburse money from the fund only upon written order of the state controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The administrator shall adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must reflect the relative hazard of the employments covered by private carriers, *must result in an equitable distribution of costs among the private carriers* and must be based upon expected annual ~~expenditures for claims for payments from the subsequent injury fund for private carriers.~~ *premiums to be received.*

7. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any private carrier who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.”

Amend sec. 6, page 3, line 26, after “coverage” by inserting “for himself”.

Amend sec. 6, page 3, line 29, after “3.” by inserting:

“An officer or manager of such a corporation or company who:

(a) Owns the corporation or company;

(b) Operates the corporation or company exclusively from his primary residence; and

(c) Receives pay for the services performed, may elect to reject coverage for himself by filing written notice thereof with the insurer. The rejection is effective upon receipt of the notice by the insurer.

4.”.

Amend sec. 6, page 3, line 32, by deleting “If” and inserting: “Except as otherwise provided in subsection 3, if”.

Amend sec. 6, page 3, line 36, by deleting “4.” and inserting “5.”.

Amend sec. 6, page 3, line 42, by deleting “5.” and inserting “6.”.

Amend the bill as a whole by renumbering sections 9 and 10 as sections 15 and 16 and adding new sections designated sections 13 and 14, following sec. 8, to read as follows:

“Sec. 13. NRS 616C.265 is hereby amended to read as follows:

616C.265 1. Except as otherwise provided in NRS 616C.280, every employer operating under chapters 616A to 616D, inclusive, of NRS, alone or together with other employers, may make arrangements to provide accident benefits as defined in those chapters for injured employees.

2. Employers electing to make such arrangements shall notify the administrator of the election and render a detailed statement of the arrangements made, which arrangements do not become effective until approved by the administrator.

3. Every employer who maintains a hospital of any kind for his employees, or who contracts for the hospital care of injured employees, shall, on or before January 30 of each year, make a written report to the administrator for the preceding year, which must contain a statement showing:

(a) The total amount of hospital fees collected, showing separately the amount contributed by the employees and the amount contributed by the employers;

(b) An itemized account of the expenditures, investments or other disposition of such fees; and

(c) What balance, if any, remains.

4. Every employer who provides accident benefits pursuant to this section:

(a) Shall, in accordance with regulations adopted by the administrator, make a written report to the division of his actual and expected annual expenditures for claims and such other information as the division deems necessary to calculate an estimated or final annual assessment ~~[-] and shall, to the extent that the regulations refer to the responsibility of insurers to make such reports, be deemed to be an insurer.~~

(b) Shall ~~[-be deemed to be an insurer for the purposes of-] pay the assessments collected pursuant to NRS 232.680 and [-the regulations adopted by the division pursuant to that section.-] 616A.430.~~

5. The reports required by the provisions of subsections 3 and 4 must be verified:

(a) If the employer is a natural person, by the employer;

(b) If the employer is a partnership, by one of the partners;

(c) If the employer is a corporation, by the secretary, president, general manager or other executive officer of the corporation; or

(d) If the employer has contracted with a physician or chiropractor for the hospital care of injured employees, by the physician or chiropractor.

6. No employee is required to accept the services of a physician or chiropractor provided by his employer, but may seek professional medical services of his choice as provided in NRS 616C.090. Expenses arising from such medical services must be paid by the employer who has elected to provide benefits, pursuant to the provisions of this section, for his injured employees.

7. Every employer who fails to notify the administrator of such election and arrangements, or who fails to render the financial reports required, is liable for accident benefits as provided by NRS 616C.255.

Sec. 14. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Through fraud, coercion, duress or undue influence:

(1) Induced a claimant to fail to report an accidental injury or occupational disease;

(2) Persuaded a claimant to settle for an amount which is less than reasonable;

(3) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(4) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(b) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or division has been lifted;

(c) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(d) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Failed to comply with the division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(f) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165; or

(g) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of

NRS, the administrator shall impose an administrative fine of \$1,000 for each initial violation, or a fine of \$10,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the division;
or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a). The fine imposed may not be greater than \$250 for an initial violation, or more than \$1,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the administrator within 30 days after the date of the order.

3. If the administrator determines that a violation of any of the provisions of paragraphs (a) to (d), inclusive, of subsection 1 has occurred, the administrator shall order the insurer, organization for managed care, health care provider, third-party administrator or employer to pay to the claimant a benefit penalty in an amount that is not less than \$5,000 and not greater than \$25,000. To determine the amount of the benefit penalty, the administrator shall consider the degree of physical harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c) or (d) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties previously imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer pursuant to this section. If this is the third violation within 5 years for which a benefit penalty has been imposed against the insurer, organization for managed care, health care provider, third-party

administrator or employer, the administrator shall also consider the degree of economic harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c) or (d) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to him within 10 days after the date of the administrator's determination. If the claimant is the injured employee and he dies before the benefit penalty is paid to him, the benefit penalty must be paid to his estate. Proof of the payment of the benefit penalty must be submitted to the administrator within 10 days after the date of his determination unless an appeal is filed pursuant to NRS 616D.140. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection.

4. In addition to any fine or benefit penalty imposed pursuant to this section, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures *or premiums received that are* used to calculate an assessment, an administrative penalty of up to twice the amount of any underpaid assessment.

5. If:

(a) The administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The fraud control unit for industrial insurance established pursuant to NRS 228.420 notifies the administrator that the unit will not prosecute the person for that violation, the administrator shall impose an administrative fine of not more than \$10,000.

6. Two or more fines of \$1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

7. The commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.”.

Amend sec. 9, page 5, line 27, after “coverage” by inserting “for himself”.

Amend sec. 9, page 5, line 30, after “3.” by inserting:

“An officer or manager of such a corporation or company who:

(a) Owns the corporation or company;

(b) Operates the corporation or company exclusively from his primary residence; and

(c) Receives pay for the services performed, may elect to reject coverage for himself by filing written notice thereof with the insurer. The rejection is effective upon receipt of the notice by the insurer.

4.”.

Amend the bill as a whole by renumbering sections 11 and 12 as sections 18 and 19 and adding a new section designated sec. 17, following sec. 10, to read as follows:

“Sec. 17. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the division, a full-time employee of the legislative counsel bureau, the fraud control unit for industrial insurance established pursuant to NRS 228.420 and the legislative committee on workers’ compensation created pursuant to NRS 218.5375, and that portion of the cost of the office for consumer health assistance established pursuant to NRS 223.550 that is related to providing assistance to consumers and injured employees concerning workers’ compensation, must be paid from assessments payable by each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265 . ~~{}{}~~

2. *The administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265. To establish the amount of the assessment, the administrator shall determine the amount of money necessary for each of the expenses set forth in subsections 1 and 4 of this section and subsection 3 of NRS 616A.425 and determine the amount that is payable by the private carriers, the self-insured employers, the associations of self-insured public or private employers and the employers who provide accident benefits pursuant to NRS 616C.265 for each of the programs. For the expenses from which more than one group of insurers receives benefit, the administrator shall allocate a portion of the amount necessary for that expense to be payable by each of the relevant group of insurers, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable among each group of insurers for all the expenses from which each group receives benefit, the administrator shall apply an assessment rate to the:*

(a) *Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;*

(b) *Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;*

(c) *Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured*

public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflect the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims . ~~{for injuries occurring on or after July 1, 1999. The division}~~ The administrator shall adopt regulations which establish ~~{formulas of assessment which result in an equitable distribution of costs among the insurers and employers who provide accident benefits for injured employees. The formulas may utilize}~~ the formula for the assessment and for the administration of payment, and any penalties that the administrator determines are necessary to carry out the provisions of this subsection. The formula may use actual expenditures for claims.

~~{2-}~~ *As used in this subsection, the term “group of insurers” includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.*

3. Federal grants may partially defray the costs of the division.

~~{3-}~~ 4. Assessments made against insurers by the division after the adoption of regulations must be used to defray all costs and expenses of administering the program of workers’ compensation, including the payment of:

(a) All salaries and other expenses in administering the division, including the costs of the office and staff of the administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the hearings division of the department of administration and the programs of self-insurance and review of premium rates by the commissioner of insurance.

(c) The salary and other expenses of a full-time employee of the legislative counsel bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the fraud control unit for industrial insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) All salaries and expenses of the members of the legislative committee on workers’ compensation and any other expenses incurred by the committee in carrying out its duties pursuant to NRS 218.5375 to 218.5378, inclusive.

(g) That portion of the salaries and other expenses of the office for consumer health assistance established pursuant to NRS 223.550 that is related to providing assistance to consumers and injured employees concerning workers’ compensation.”.

Amend sec. 12, page 6, by deleting line 15 and inserting:

“Sec. 19. 1. This section and sections 1 to 9, inclusive, 11 to 14, inclusive, and 16, 17 and 18 of this act become effective on July 1, 2001.

2. Sections 10 and 15 of this act become effective at 12:01 a.m. on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; providing a definition of “policy year” for the purpose of industrial insurance; requiring that the assessments payable by private carriers to support the uninsured employers’ claim fund, the subsequent injury fund for private carriers and the fund for workers’ compensation and safety be based upon expected annual premiums to be received by private carriers; specifying the circumstances under which a policy of industrial insurance may exclude coverage for certain employees covered by a consolidated insurance program; allowing certain employers to report information concerning tips received by their employees by a computerized program or process; revising the criteria for the assessment rates for the subsequent injury fund for self-insured employers and associations of self-insured public or private employers; authorizing a private carrier to require a sole proprietor seeking coverage to submit to a physical examination; eliminating the requirement that unpaid premiums bear interest at the rate of 1 percent monthly; and providing other matters properly relating thereto.”.

Assemblyman Dini moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 48.

Remarks by Assemblyman Dini.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

The following Senate amendment was read:

Amendment No. 708.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

“1. The board of county commissioners of a county may provide, by ordinance, that a certificate filed with the county clerk pursuant to NRS 602.010 expires 5 years after it is filed.

2. If such an ordinance is adopted, on or before the expiration of the certificate, the person doing business in the county under an assumed or fictitious name that does not indicate the real name of each person who owns an interest in the business must file a renewal certificate containing the information required by NRS 602.020 with the county clerk.

3. A renewal certificate filed pursuant to this section:

(a) Expires 5 years after it is filed with the county clerk.

(b) Must include a statement indicating that the renewal certificate expires 5 years after the date on which it is filed with the county clerk.

4. Upon the adoption of such an ordinance, the county clerk shall cause to be published in a newspaper of general circulation in the county notice that those persons who have filed certificates in the county pursuant to NRS

602.010 are required to renew those certificates pursuant to the provisions of this section.”.

Amend sec. 2, page 2, by deleting lines 3 and 4 and inserting:

“3. If the board of county commissioners of a county has adopted an ordinance pursuant to section 1 of this act, a certificate filed pursuant to this section expires 5 years after it is filed with the county clerk.”.

Amend sec. 6, page 3, line 38, by deleting *“the”* and inserting *“any”*.

Amend sec. 7, page 4, line 16, by deleting *“the”* and inserting *“any”*.

Amend sec. 8, page 4, line 23, after *“or”* by inserting *“any”*.

Amend sec. 9, page 5, line 25, after *“or”* by inserting *“any”*.

Amend the bill as a whole by deleting sec. 10, renumbering sec. 11 as sec. 10 and adding a new section designated sec. 11, following sec. 11, to read as follows:

“Sec. 11. This act becomes effective on July 1, 2001.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 154.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 279.

The following Senate amendment was read:

Amendment No. 706.

Amend section 1, page 1, line 5, after *“disease”* by inserting: *“during the course and scope of his employment”*.

Amend section 1, page 2, line 16, by deleting *“for”* and inserting:
“for:

(1) Preventive treatment administered as a precaution to the employee;
and

(2) Other”.

Amend section 1, page 2, between lines 28 and 29 by inserting:

“(c) “Preventive treatment” includes, without limitation, tests to determine if an employee has contracted the contagious disease to which he was exposed.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 279.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 345.

The following Senate amendment was read:

Amendment No. 704.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sections 3 and 4 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 617 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each insurer shall submit to the administrator a written report concerning each claim for compensation that is filed with the insurer for an occupational disease of the heart or lungs or any occupational disease that is infectious or relates to cancer. The written report must be submitted to the administrator within 30 days after the insurer accepts or denies the claim pursuant to NRS 617.356 and must include:

- (a) A statement specifying the nature of the claim;*
- (b) A statement indicating whether the insurer accepted or denied the claim and the reasons for the acceptance or denial;*
- (c) A statement indicating the estimated medical costs for the claim; and*
- (d) Any other information required by the administrator.*

2. If a claim specified in subsection 1 is appealed or affirmed, modified or reversed on appeal, or is closed or reopened, the insurer shall notify the administrator of that fact in writing within 30 days after the claim is appealed, affirmed, modified, reversed, closed or reopened.

3. On or before February 1 of each year, the administrator shall prepare and make available to the general public a written report concerning claims specified in subsection 1. The written report must include:

- (a) The information submitted to the administrator by an insurer pursuant to this section during the immediately preceding year; and*
- (b) Any other information concerning those claims required by the administrator.”.*

Amend sec. 3, page 2, line 11, by deleting “2” and inserting “1”.

Amend sec. 3, page 2, line 12, by deleting: “a county or city” and inserting “an insurer”.

Amend the title of the bill, first and second lines, by deleting: “a county or city that is a self-insured employer” and inserting “an insurer”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires insurer to submit written report concerning claims for compensation for certain occupational diseases to administrator of division of industrial relations of department of business and industry. (BDR 53-1267)”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 345.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 363.

The following Senate amendment was read:

Amendment No. 707.

Amend section 1, page 2, by deleting lines 12 through 19 and inserting:

“3. The provider of health care shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 363.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 711.

Amend sec. 7, page 5, by deleting lines 38 and 39.

Amend sec. 7, pages 5 and 6, by deleting lines 43 through 49 on page 5 and lines 1 through 13 on page 6.

Amend sec. 7, page 6, line 14, by deleting “4.” and inserting “2.”.

Amend sec. 7, page 6, line 16, by deleting “5.” and inserting “3.”.

Amend sec. 7, page 6, by deleting lines 19 through 37 and inserting:

“(b) “Health care plan” has the meaning ascribed to it in NRS 679B.520.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 415.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 60.

The following Senate amendment was read:

Amendment No. 658.

Amend section 1, page 2, line 14, by deleting “may” and inserting “shall”.

Amend the title of the bill, first line, by deleting “authorizing” and inserting “requiring”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires public body to post additional notice of its meetings on its Internet website, if any. (BDR 18-674)”.

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 60.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

The following Senate amendment was read:

Amendment No. 715.

Amend section 1, page 1, by deleting line 12 and inserting: “*the attorney general as to form and compliance with law.*”.

Amend sec. 2, page 2, by deleting lines 39 through 41 and inserting: “of examiners. *The attorney general shall approve each lease entered into pursuant to this section as to form and compliance with law.*”.

Amend the title of the bill by deleting the second through fourth lines and inserting: “by the attorney general if an agency of this state is a party to the contract; providing that certain leases of offices for state officers and employees must be approved by the attorney general; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires approval by attorney general of certain contracts and leases. (BDR 22-479)”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 128.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 297 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 235, 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 63, 83, 93, 95, 108, 110, 117, 163; Assembly Concurrent Resolution No. 34; Assembly Resolution No. 13; Senate Bill No. 91.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Schusterick, Nia Waters, Cary Ingbar, Karyn Murray, Parinaz Farahi, Pam Bigley, Kellen

Bigley, Sydney Brown, Wes Dalen, Sanam Farahi, Dominick Giudici, Bobby Hodges, Davd Ingbar, Kendra Mallory, Trevor Murry, Erin McIntire, Aidan O'Leary, Michon Peek, Kyle Sargent, Amber Smith, Max Stern, Alex Tacher, Avi Johnson and Kevin Price.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Russell.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to William Raley.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Little.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Richter, Chris Wilks, Kassie Thomsen, Michael Greer, Kevin Seipp, Kenndra Brown, Sean Fannin, Shavon Bellows, Crystal Jay, Patrick Gilliland, Josh Johnson, Cate Hooten, Allen Giraud, Brandi Luster, Russel Archey, Rebecca Lucero and Art Nichols.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Cherie Price Steiner.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 23, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 3:38 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 23, 2001

Assembly called to order at 10:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Marvin Dennis.

Lord, I pray for these who serve in any capacity in the Nevada State Assembly, that all the needed strength, direction, and wisdom shall be given unto them. Please direct each of these ladies and gentlemen to achieve Your purpose for their lives and may they sense Your hand of rich blessings, guidance and love. In the Name of My Wonderful Lord, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Manendo moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 245, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 115, 237, 289, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Senate Bills Nos. 223, 543, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 565, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 356, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 261, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 83, 171, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 319, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 534.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 22, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 318, 384, 551.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 135, Amendment No. 662; Assembly Bill No. 271, Amendment No. 694; Assembly Bill No. 336, Amendment Nos. 673, 831, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 360.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 679 to Senate Bill No. 34; Assembly Amendment No. 597 to Senate Bill No. 36; Assembly Amendment No. 676 to Senate Bill No. 204; Assembly Amendment No. 696 to Senate Bill No. 272.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 677 to Senate Bill No. 87.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 360.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Senate Bills Nos. 83, 112, 115, 116, 171, 223, 237, 245, 261, 289, 311, 337, 356, 367, 395, 405, 502, 516, 535, 543, 565 and Senate Joint Resolution No. 13 be placed on the Second Reading File.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 303 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 524 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 531 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblywoman Koivisto moved that Senate Bill No. 544 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Koivisto.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 376 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 522 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Parks moved that the reading of histories on all Bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 876.

Amend section 1, pages 1 and 2, by deleting lines 13 through 17 on page 1 and lines 1 through 9 on page 2, and inserting: "otherwise available to him.

2. Upon the retirement of an employee, his termination through no fault of his own or his death while in public employment, the employee or his beneficiaries are entitled to payment ~~for~~ :

(a) For his unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to his number of years of public service, except service with a political subdivision of the state, as follows:

~~(a)~~ (1) For 10 years of service or more but less than 15 years, not more than \$2,500.

~~(b)~~ (2) For 15 years of service or more but less than 20 years, not more than \$4,000.

~~(c)~~ (3) For 20 years of service or more but less than 25 years, not more than \$6,000.

~~[(d)]~~ (4) For 25 years of service, not more than \$8,000.

(b) *Except as otherwise provided in this paragraph, for his unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:*

- (1) *His hours of unused sick leave accrued but not carried forward; and*
- (2) *An additional 120 hours.*

An unclassified employee is not entitled to the payment authorized pursuant to this paragraph.

3. The”.

Amend section 1, page 2, line 13, by deleting “2.” and inserting “[2.] 4.”.

Amend section 1, page 2, line 14, by deleting “1” and inserting “[1] 2”.

Amend section 1, page 2, line 27, by deleting “3.” and inserting “[3.] 5.”.

Amend section 1, page 2, line 31, by deleting “4.” and inserting “[4.] 6.”.

Amend section 1, page 2, line 42, by deleting “5.” and inserting “[5.] 7.”.

Amend section 1, page 2, line 47, by deleting “6.” and inserting “[6.] 8.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 353.262 is hereby amended to read as follows:

353.262 When the state board of examiners finds, after diligent inquiry and examination, that:

1. As a result of payment for terminal leave, sick leave or unused sick leave to any state officer or employee or his beneficiary, sufficient appropriated money does not remain available to permit the payment of a salary when due to a person to be appointed or employed to replace the officer or employee; and

2. The appointment or employment of the replacement is necessary in the best interests of the state,

the state board of examiners may authorize the expenditure of sums not exceeding ~~[\$8,000]~~ \$12,000 from the reserve for statutory contingency account for payment of a salary when due to each person so appointed or employed as a replacement for the person to whom the terminal leave pay or sick leave pay was paid or is payable.”.

Amend the title of the bill to read as follows:

“AN ACT relating to state employees; authorizing payment for the unused sick leave of state employees that is accrued but not carried forward in certain circumstances; increasing the maximum authorized amount of money from the reserve for statutory contingency account that the state board of examiners may authorize for payment of the salary of a replacement officer or employee following the purchase of certain leave of a former officer or employee; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to payment for sick leave of state employees. (BDR 23-691)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 922.

Amend section 1, page 1, line 2, by deleting “\$1,583” and inserting “\$3,215”.

Amend section 1, page 1, line 3, after “budgeted for” by inserting: “meeting expenses and”.

Amend section 1, page 1, by deleting line 4 and inserting: “the Nevada Athletic Commission. This”.

Amend the title of the bill to read as follows:

“AN ACT making a supplemental appropriation to the Department of Business and Industry for an unanticipated shortfall in the money budgeted for meeting expenses and salaries for personnel in the Nevada Athletic Commission.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes supplemental appropriation to Department of Business and Industry for unanticipated shortfall in money budgeted for meeting expenses and salaries for personnel in Nevada Athletic Commission. (BDR S-1259)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 923.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. There is hereby appropriated from the state general fund to the State Department of Agriculture for deposit in the revolving account for agriculture working capital created by NRS 561.335 the sum of \$4,900.

Sec. 2. There is hereby appropriated from the state general fund to the State Department of Agriculture the sum of \$13,848 to be distributed as follows:

1. For a shortfall in budgeted terminal annual leave expenses of the State Predatory Animal and Rodent Committee created by NRS 567.020, the sum of \$7,045.

2. For a shortfall in the budget for Agriculture Administration, the sum of \$6,803 to pay certain retirement contributions that were due from the department during the fiscal year ending June 30, 2000, but not paid during that period.

This appropriation is supplemental to that made by section 24 of chapter 571, Statutes of Nevada 1999, at page 2983.”.

Amend the title of the bill to read as follows:

“AN ACT making appropriations to the State Department of Agriculture for the revolving account for agriculture working capital and for budgetary shortfalls regarding the State Predatory Animal and Rodent Committee and agricultural administration; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes certain appropriations to State Department of Agriculture. (BDR S-1261)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 221.

Bill read second time and ordered to third reading.

Senate Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 894.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

“Section 1. NRS 115.010 is hereby amended to read as follows:

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5.

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed ~~[\$125,000]~~ \$160,000 in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements

made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given; or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070, by both husband and wife, when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070, unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, or 207.350 to 207.520, inclusive.

6. Any declaration of homestead which has been filed before October 1, ~~1995,~~ 2001, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before October 1, ~~1995,~~ 2001.

Sec. 2. NRS 115.050 is hereby amended to read as follows:

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated, that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of ~~[\$125,000,]~~ \$160,000, the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property, and if the amount of equity exceeds the sum of ~~[\$125,000,]~~ \$160,000, determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, he shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the

amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, he shall order the entire property to be sold, and out of the proceeds the sum of ~~[\$125,000]~~ \$160,000 to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under ~~[\$125,000]~~ \$160,000 may be received by the officer making the sale.

3. When the execution is against a husband or wife, the judge may direct the ~~[\$125,000]~~ \$160,000 to be deposited in court, to be paid out only upon the joint receipt of the husband and wife, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

Sec. 3. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to(name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act.
2. Payments for benefits or the return of contributions under the public employees' retirement system.
3. Payments for public assistance granted through the welfare division of the department of human resources.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as unemployment compensation.
7. Veteran's benefits.
8. A homestead in a dwelling or a mobile home, not to exceed ~~[\$125,000]~~ \$160,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

9. A vehicle, if your equity in the vehicle is less than \$4,500.

10. Seventy-five percent of the take-home pay for any pay period, unless the weekly take-home pay is less than 30 times the federal minimum wage, in which case the entire amount may be exempt.

11. Money, not to exceed \$500,000 in present value, held for retirement pursuant to certain arrangements or plans meeting the requirements for qualified arrangements or plans of sections 401 et seq. of the Internal Revenue Code, [~~§~~ 26 U.S.C. §§ 401 et seq. ~~§~~]

12. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the state.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

14. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

15. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through(name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days

after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 4. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section:

(a) Private libraries not to exceed \$1,500 in value, and all family pictures and keepsakes.

(b) Necessary household goods, as defined in 16 C.F.R. § 444.1(i) as that section existed on January 1, 1987, and yard equipment, not to exceed \$3,000 in value, belonging to the judgment debtor to be selected by him.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, office equipment, office supplies and the tools, instruments and materials used to carry on the trade of the judgment debtor for the support of himself and his family not to exceed \$4,500 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor's equity does not exceed \$4,500 or the creditor is paid an amount equal to any excess above that equity.

(g) For any pay period, 75 percent of the disposable earnings of a judgment debtor during that period, or for each week of the period 30 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph, "disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law, to be withheld.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this state.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this state, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed \$1,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the \$1,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed ~~[\$125,000]~~ \$160,000 in value and the dwelling is situate upon lands not owned by him.

(n) All property in this state of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of 26 U.S.C. § 408;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code; and

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, ~~{[26 U.S.C. §§ 401 et seq.]}~~

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the state.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978 [~~(92 Stat. 2586)~~], 11 U.S.C § 522(d), do not apply to property owned by a resident of this state unless conferred also by subsection 1, as limited by subsection 2, of this section.

Sec. 5. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act.
2. Payments for benefits or the return of contributions under the public employees' retirement system.

3. Payments for public assistance granted through the welfare division of the department of human resources.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as unemployment compensation.

7. Veteran's benefits.

8. A homestead in a dwelling or a mobile home, not to exceed ~~[\$125,000.]~~ \$160,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

9. A vehicle, if your equity in the vehicle is less than \$4,500.

10. Seventy-five percent of the take-home pay for any pay period, unless the weekly take-home pay is less than 30 times the federal minimum wage, in which case the entire amount may be exempt.

11. Money, not to exceed \$500,000 in present value, held for retirement pursuant to certain arrangements or plans meeting the requirements for qualified arrangements or plans of sections 401 et seq. of the Internal Revenue Code, ~~{(} 26 U.S.C. §§ 401 et seq. }~~

12. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the state.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

14. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

15. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.”

Amend the title of the bill to read as follows:

“AN ACT relating to property; increasing the amount of the homestead exemption; exempting from execution a greater amount of equity in certain dwellings; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Increases amount of homestead exemption. (BDR 10-4)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 112.

Bill read second time and ordered to third reading.

Senate Bill No. 115.

Bill read second time and ordered to third reading.

Senate Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 884.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 14, following the enacting clause, to read as follows:

“Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, mechanical restraint may be used on a person with a disability who is a client of a forensic facility only if:*

(a) *An emergency exists that necessitates the use of the mechanical restraint;*

(b) *The client's behavior presents an imminent threat of causing physical injury to himself or to others or causing severe property damage and less restrictive measures have failed to modify the client's behavior;*

(c) *The client is in the care of the facility but not on the premises of the facility and mechanical restraint is necessary to ensure security; or*

(d) *The client is in the process of being transported to another location and mechanical restraint is necessary to ensure security.*

2. *If mechanical restraint is used pursuant to subsection 1, the forensic facility shall ensure that:*

(a) *The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;*

(b) *A member of the staff of the facility continuously monitors the client during the time that mechanical restraint is used on the client;*

(c) *The record of the client contains a notation that indicates the time period during which the restraint was used and the circumstances warranting the restraint; and*

(d) *The mechanical restraint is used only for the period that is necessary.*

3. *Mechanical restraint may be used on a person with a disability who is a client of a forensic facility, and the provisions of subsections 1 and 2 do not apply if the mechanical restraint is used to:*

(a) *Treat the medical needs of a client;*

(b) *Protect a client who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;*

(c) *Provide proper body alignment to a client; or*

(d) *Position a client who has physical disabilities in a manner prescribed in the client's plan of services.*

4. *If mechanical restraint is used in an emergency on a person with a disability who is a client of a forensic facility, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.*

5. *As used in this section, “forensic facility” means a secure facility of the division for mentally disordered offenders and defendants who are ordered to the facility pursuant to chapter 178 of NRS.*

Sec. 2. NRS 433.545 is hereby amended to read as follows:

433.545 As used in NRS 433.545 to 433.551, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 433.5453 to 433.548, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 433.547 is hereby amended to read as follows:

433.547 “Mechanical restraint” means the use of devices, including, without limitation, mittens, straps, ~~and~~ restraint chairs, *handcuffs, belly chains and four-point restraints* to limit a person’s movement or hold a person immobile.

Sec. 4. NRS 433.549 is hereby amended to read as follows:

433.549 A person employed by a facility or any other person shall not:

1. Except as otherwise provided in NRS 433.5493, use physical restraint on a person with a disability who is a client.

2. Except as otherwise provided in NRS 433.5496 ~~and~~ *and section 1 of this act*, use mechanical restraint on a person with a disability who is a client.

3. Except as otherwise provided in NRS 433.5503, use chemical restraint on a person with a disability who is *a* client.

Sec. 5. NRS 433.5496 is hereby amended to read as follows:

433.5496 1. Except as otherwise provided in ~~subsection 2,~~ *subsections 2 and 4*, mechanical restraint may be used on a person with a disability who is a client only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the client’s treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the client not later than 1 working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(e) The client is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the facility lessens or discontinues the restraint every 15 minutes to determine whether the client will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the client contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the client and the response of the member of the staff of the facility who applied the mechanical restraint;

(h) A member of the staff of the facility continuously monitors the client during the time that mechanical restraint is used on the client; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the client so that the client is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a person with a disability who is a client and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

- (a) Treat the medical needs of a client;
- (b) Protect a client who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;
- (c) Provide proper body alignment to a client; or
- (d) Position a client who has physical disabilities in a manner prescribed in the client's plan of services.

3. If mechanical restraint is used on a person with a disability who is a client in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

4. *The provisions of this section do not apply to a forensic facility, as that term is defined in subsection 5 of section 1 of this act.*

Sec. 6. NRS 388.5275 is hereby amended to read as follows:

388.5275 1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:

- (a) An emergency exists that necessitates the use of physical restraint;
- (b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage; and
- (c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

- (a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;
- (b) Escort or carry a pupil to safety if the pupil is in danger in his present location; or
- (c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later

than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district, the pupil's individualized education program team and the parent or guardian of the pupil. *The board of trustees shall review the report during a closed meeting to determine whether a denial of the pupil's rights has occurred. The board of trustees shall:*

(a) At least 5 school days before the date of the meeting, provide notice of the meeting to the pupil's individualized education program team and the parent or legal guardian of the pupil; and

(b) Allow the pupil's individualized education program team, or members thereof, and the parent or legal guardian of the pupil to attend and participate in the meeting.

If the board of trustees determines that a denial of the pupil's rights has occurred, the board of trustees ~~may~~ shall submit a *confidential* report to the department in accordance with NRS 388.5315.

4. *The provisions of chapter 241 of NRS do not apply to a meeting held by the board of trustees of a school district pursuant to subsection 3.*

Sec. 7. NRS 388.528 is hereby amended to read as follows:

388.528 1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the pupil's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the pupil as soon as practicable;

(d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician who signed the order;

(f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the school who applied the mechanical restraint;

(h) A member of the staff of the school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

- (a) Treat the medical needs of the pupil;
- (b) Protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;
- (c) Provide proper body alignment to a pupil; or
- (d) Position a pupil who has physical disabilities in a manner prescribed in the pupil's individualized education program.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district, the pupil's individualized education program team and the parent or guardian of the pupil. *The board of trustees shall review the report during a closed meeting to determine whether a denial of the pupil's rights has occurred. The board of trustees shall:*

(a) At least 5 school days before the date of the meeting, provide notice of the meeting to the pupil's individualized education program team and the parent or legal guardian of the pupil; and

(b) Allow the pupil's individualized education program team, or members thereof, and the parent or legal guardian of the pupil to attend and participate in the meeting.

If the board of trustees determines that a denial of the pupil's rights has occurred, the board of trustees ~~may~~ shall submit a confidential report to the department in accordance with NRS 388.5315.

4. *The provisions of chapter 241 of NRS do not apply to a meeting held by the board of trustees of a school district pursuant to subsection 3.*

Sec. 8. NRS 388.5295 is hereby amended to read as follows:

388.5295 1. A school where a violation of NRS 388.521 to 388.5315, inclusive, occurs shall report the violation to the board of trustees of the school district ~~not~~, *the parent or legal guardian of the pupil against whom the action was taken and the pupil's individualized education program team. The report must be made:*

(a) Not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.

(b) To the parent or legal guardian of the pupil and the pupil's individualized education program team in a manner that does not violate the confidentiality of any other pupil involved in the incident.

2. The board of trustees of the school district where the violation occurred shall develop, in cooperation with the superintendent of schools of the school district, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the school and the board of trustees to prevent future violations.

3. The superintendent of schools of the school district shall submit the plan to the department. The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance.

4. If the school where the violation occurred does not meet the requirements of the plan to the satisfaction of the department, the department may appoint a licensed administrator to oversee the school to ensure that the school meets the requirements of the plan. An administrator serves at the pleasure of the superintendent of public instruction and is entitled to receive such compensation as may be set by the superintendent. A school district that contains a school for which an administrator is appointed pursuant to this subsection shall reimburse the department for any expenses incurred by the department pursuant to this subsection.

Sec. 9. NRS 388.5315 is hereby amended to read as follows:

388.5315 1. A denial of rights of a pupil with a disability pursuant to NRS 388.521 to 388.5315, inclusive, must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district ~~and~~, *the parent or legal guardian of the pupil and the pupil's individualized education program team.*

2. If the board of trustees of a school district receives notice of a denial of rights pursuant to subsection 1, it shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the department.

3. The department:

- (a) Shall receive reports made pursuant to subsection 2;
- (b) May investigate apparent violations of the rights of pupils with disabilities; and
- (c) May act to resolve disputes relating to apparent violations.

Sec. 10. NRS 394.368 is hereby amended to read as follows:

394.368 1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:

- (a) An emergency exists that necessitates the use of physical restraint;
- (b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage; and
- (c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a pupil to safety if the pupil is in danger in his present location; or

(c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record not later than 1 working day after the procedure is used. A copy of the report must be provided to the superintendent, the administrator of the private school, the pupil's individualized education program team, if applicable, and the parent or guardian of the pupil. *The administrator of the private school shall hold a meeting with the pupil's individualized education program team, if applicable, and the parent or legal guardian of the pupil to review the report and consider whether a denial of the pupil's rights has occurred. The administrator of the private school shall provide notice of the meeting to the pupil's individualized education program team, if applicable, and the parent or legal guardian of the pupil at least 5 school days before the meeting. The meeting must be conducted in a manner that does not violate the confidentiality of the pupil. The administrator of the private school shall review the report and determine whether a violation of the pupil's rights has occurred, regardless of whether the pupil's individualized education program team or the parent or legal guardian of the pupil attend or participate in the meeting.* If the administrator of the private school determines that a denial of the pupil's rights has occurred, the administrator shall submit a *confidential* report to the superintendent in accordance with NRS 394.378.

Sec. 11. NRS 394.369 is hereby amended to read as follows:

394.369 1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the pupil's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the pupil as soon as practicable after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the private school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician who signed the order;

(f) A member of the staff of the private school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the private school who applied the mechanical restraint;

(h) A member of the staff of the private school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of the pupil;

(b) Protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a pupil; or

(d) Position a pupil who has physical disabilities in a manner prescribed in the pupil's service plan developed pursuant to 34 C.F.R. § 300.455 or the pupil's individualized education program, whichever is appropriate.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record not later than 1 working day after the procedure is used. A copy of the report must be provided to the superintendent, the administrator of the private school, the pupil's individualized education program team, if applicable, and the parent or guardian of the pupil. *The administrator of the private school shall hold a meeting with the pupil's individualized education program team, if applicable, and the parent or legal guardian of the pupil to review the report and consider whether a denial of the pupil's rights has occurred. The administrator of the private school shall provide notice of the meeting to the pupil's individualized education program team, if applicable, and the parent or legal guardian of the pupil at least 5 school days before the meeting. The meeting must be conducted in a manner that does not violate the confidentiality of the pupil. The administrator of the private school shall review the report and determine whether a violation of the pupil's rights has occurred, regardless of whether the pupil's individualized education program team or the parent or legal guardian of the pupil attend or participate in the meeting.* If the administrator of the private school determines that a denial of the pupil's rights has occurred, the administrator shall submit a *confidential* report to the superintendent in accordance with NRS 394.378.

4. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 12. NRS 394.376 is hereby amended to read as follows:

394.376 1. A private school where a violation of NRS 394.353 to 394.378, inclusive, occurs shall report the violation to the superintendent ~~[not]~~, *the parent or legal guardian of the pupil against whom the action was taken and the pupil's individualized education program team, if applicable. The report must be made:*

(a) Not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.

(b) *To the parent or legal guardian of the pupil and the pupil's individualized education program team in a manner that does not violate the confidentiality of any other pupil involved in the incident.*

2. The private school where a violation occurred shall develop, in cooperation with the superintendent, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the private school to prevent future violations.

3. The superintendent shall submit the plan to the department. The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance.

Sec. 13. NRS 394.378 is hereby amended to read as follows:

394.378 1. A denial of rights of a pupil with a disability pursuant to NRS 394.353 to 394.378, inclusive, must be entered in the pupil's cumulative record. Notice of the denial must be provided to the administrator of the private school ~~[and]~~, *the parent or legal guardian of the pupil and the pupil's individualized education program team, if applicable.*

2. If the administrator of a private school receives notice of a denial of rights pursuant to subsection 1, he shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the superintendent.

3. The superintendent:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of pupils with disabilities; and

(c) May act to resolve disputes relating to apparent violations.

Sec. 14. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to persons with disabilities; prescribing the circumstances under which a secure facility for mentally disordered offenders may use mechanical restraint on clients who have disabilities; revising provisions governing the duty of the board of trustees of a school district and the administrator of a private school in response to a report of the use of physical restraint or mechanical restraint on a pupil with a disability; revising provisions governing the reporting of certain violations involving pupils with disabilities; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing use of restraints and interventions on persons with disabilities. (BDR 39-346)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 895.

Amend section 1, page 3, line 5, by deleting “*three-fourths*” and inserting: “*a majority plus one*”.

Amend section 1, page 3, line 27, by deleting “*directly*” and inserting “*exclusively*”.

Amend section 1, page 3, line 28, by deleting “*operation of*” and inserting: “*gaming activities at*”.

Amend sec. 2, page 3, by deleting lines 31 and 32 and inserting: “district pursuant to NRS 463.3086 that is filed on or after December 31, 2001.”.

Amend sec. 3, page 3, line 33, by deleting: “upon passage and approval.” and inserting: “on December 31, 2001.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 223.

Bill read second time and ordered to third reading.

Senate Bill No. 237.

Bill read second time and ordered to third reading.

Senate Bill No. 245.

Bill read second time.

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

Amendment No. 838.

Amend sec. 8, page 2, line 33, by deleting “*organizations; or*” and inserting “*organizations;*”.

Amend sec. 8, page 2, line 34, after “3.” by inserting: “*Engages in the practice of interpreting as necessary for the provision of an emergency medical or governmental service to a person who is deaf or whose hearing is impaired; or*

4.”.

Amend sec. 9, page 3, by deleting lines 27 through 34 and inserting:

“3. Except as otherwise provided in subsection 4, a person, including, without limitation, a teacher and a teacher’s aide, who wishes to engage in the practice of interpreting in this state in a public school, including, without limitation, a charter school, or a private school must comply with the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 and must:

(a) Comply with the requirements set forth in paragraph (d) of subsection 1; or

(b) Have completed the Educational Interpreter Performance Assessment administered by the Boys Town National Research Hospital or its successor organization and received a rating of his level of proficiency in providing interpreting services at level 4 or 5.

4. A person who has not complied with the requirements set forth in paragraph (a) or (b) of subsection 3 may engage in the practice of interpreting in a public school, including, without limitation, a charter school, or a private school for not more than 3 years if:

(a) There is a demonstrated shortage of personnel who have complied with those requirements in the geographic area of this state in which the public school or private school is located;

(b) The school district, charter school or private school that hires a person pursuant to this subsection has made and continues to make a good faith effort to recruit and hire persons who have complied with the requirements set forth in paragraph (a) or (b) of subsection 3;

(c) The shortage of personnel described in paragraph (a) has precluded the school district, charter school or private school from employing the number of persons who have complied with the requirements set forth in paragraph (a) or (b) of subsection 3 as is necessary to satisfy the personnel requirements of the school district, charter school or private school; and

(d) The person hired by the school district, charter school or private school pursuant to this subsection makes satisfactory progress, as determined by the school district, charter school or private school, toward complying with the requirements set forth in paragraph (a) or (b) of subsection 3 during the period of his employment.”.

Amend sec. 9, page 3, line 35, by deleting “4.” and inserting “5.”.

Amend sec. 9, page 3, line 36, after “(a)” by inserting:

*““charter school” has the meaning ascribed to it in NRS 385.007.
(b)”.*

Amend sec. 9, page 3, line 49, by deleting “(b)” and inserting “(c)”.

Amend sec. 9, page 4, line 1, by deleting “(c)” and inserting “(d)”.

Amend the bill as a whole by renumbering sections 22 through 30 as sections 23 through 31 and adding a new section designated sec. 22, following sec. 21, to read as follows:

“Sec. 22. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Requiring teachers to obtain from the department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language [↗] , *including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of section 9 of this act.*

(6) *Except as otherwise authorized by subsection 4 of section 9 of this act, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of section 9 of this act if they:*

(I) *Provide instruction or other educational services; and*

(II) *Concurrently engage in the practice of interpreting, as defined in section 6 of this act.*

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.”.

Amend the bill as a whole by adding a new section designated sec. 28.5, following sec. 27, to read as follows:

Sec. 28.5. On or before July 1, 2005, the Commission on Professional Standards in Education shall adopt regulations pursuant to the amendatory provisions of section 22 of this act.”.

Amend sec. 28, page 9, line 1, by deleting “30,” and inserting “31,”.

Amend sec. 28, page 9, line 4, by deleting “2003.” and inserting “2005.”.

Amend sec. 29, page 9, line 6, by deleting “2003.” and inserting “2005.”.

Amend sec. 30, page 9, line 7, by deleting:
“26 to 29,” and inserting:
“27 to 30,”.

Amend sec. 30, page 9, line 8, by deleting:

“October 1, 2001.” and inserting: “July 1, 2003.”.

Amend sec. 30, page 9, line 9, by deleting “25,” and inserting “26,”.

Amend sec. 30, page 9, line 10, by deleting “2003.” and inserting “2005.”.

Amend the title of the bill, second line, after “certification;” by inserting: “requiring the commission on professional standards in education to adopt regulations that require certain teachers and other educational personnel to satisfy the requirements for certification as an interpreter;”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 261.

Bill read second time and ordered to third reading.

Senate Bill No. 289.

Bill read second time and ordered to third reading.

Senate Bill No. 311.

Bill read second time and ordered to third reading.

Senate Bill No. 337.

Bill read second time and ordered to third reading.

Senate Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 916.

Amend section 1, page 1, line 3, before “*The*” by inserting “*I*.”.

Amend section 1, page 1, after line 20, by inserting:

“2. *The secretary of state may adopt regulations prescribing procedures to prevent the filing of false or forged documents in his office.*”.

Amend the title of the bill by deleting the fourth line and inserting: “knowingly offering any false or forged instrument for filing; authorizing the secretary of state to adopt regulations to prevent the filing of false or forged documents; and providing other”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes changes regarding filing of documents with secretary of state. (BDR 18-1206)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 367.

Bill read second time and ordered to third reading.

Senate Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 915.

Amend section 1, page 2, line 15, by deleting: “3, 2 and 1,” and inserting: “25, 26 and 27.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Von Tobel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Bache moved that upon return from the printer Senate Bill No. 395 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Bache.

Motion carried.

Senate Bill No. 405.

Bill read second time.

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

Amendment No. 881.

Amend section 1, pages 1 and 2, by deleting line 18 on page 1 and lines 1 through 6 on page 2, and inserting:

“(1) Performs the amputation in a hospital as defined in NRS 449.012 or a surgical center for ambulatory patients as defined in NRS 449.019;

(2) Is authorized by the hospital or surgical center to perform the amputation;

(3) Has completed a program of surgical training as a resident and provides proof satisfactory to the hospital or surgical center of his completion of the program;

(4) Complies with any other requirements established by the hospital or surgical center; and

(5) Performs the amputation in accordance with the standard of care required for a physician licensed pursuant to chapter 630, 630A or 633 of NRS.”.

Amend section 1, page 2, by deleting lines 11 and 12.

Amend the title of the bill to read as follows:

“AN ACT relating to podiatry; authorizing a podiatric physician who is licensed by the state board of podiatry to amputate toes under certain circumstances; prohibiting a county hospital from denying a podiatric physician admission to the staff of the hospital under certain circumstances; and providing other matters properly relating thereto.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 988.

Amend section 1, page 1, lines 2 and 3, by deleting: “state council on libraries and literacy:” and inserting “council:”.

Amend section 1, page 1, by deleting lines 18 through 20 and inserting: “serve as ex officio members of the council:

(a) The department of cultural affairs;”.

Amend section 1, page 2, line 11, by deleting “advisory”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 896.

Amend the bill as a whole by deleting sections 1 through 48 and the preamble and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this section and sections 3 and 4 of this act, unless the context otherwise requires, “design professional” means a person who holds a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS, or a person primarily engaged in the practice of architecture, landscape architecture, professional engineering or land surveying.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, in an action commenced pursuant to NRS 40.600 to 40.695, inclusive, and sections 2, 3 and 4 of this act for the professional negligence of a design professional, concurrently with the service of the first pleading in the action, the attorney for the complainant shall file an affidavit with the court stating that the attorney:*

(a) *Has reviewed the facts of the case;*

(b) *Has consulted with an expert named in the affidavit;*

(c) *Reasonably believes the expert who was consulted is knowledgeable in the relevant discipline involved in the action; and*

(d) Has concluded on the basis of his review and the consultation with the expert that the action has a reasonable basis in law and fact.

2. The attorney for the complainant may file the affidavit required pursuant to subsection 1 at a later time if he could not consult with an expert and prepare the affidavit before filing the action without causing the action to be impaired or barred by the statute of limitations or repose, or other limitations prescribed by law. If the attorney must submit the affidavit late, he shall file an affidavit concurrently with the service of the first pleading in the action stating his reason for failing to comply with subsection 1 and the attorney shall consult with an expert and file the affidavit required pursuant to subsection 1 not later than 45 days after filing the action.

3. In addition to the statement included in the affidavit pursuant to subsection 1, a report must be attached to the affidavit. Except as otherwise provided in subsection 4, the report must be prepared by the expert consulted by the attorney and include, without limitation:

(a) The resumé of the expert;

(b) A statement that the expert is experienced in each discipline which is the subject of the report;

(c) A copy of each nonprivileged document reviewed by the expert in preparing his report, including, without limitation, each record, report and related document that the expert has determined is relevant to the allegations of negligent conduct that are the basis for the action;

(d) The conclusions of the expert and the basis for the conclusions; and

(e) A statement that the expert has concluded that there is a reasonable basis for filing the action.

4. In an action brought by a claimant in which an affidavit is required to be filed pursuant to subsection 1:

(a) The report required pursuant to subsection 3 is not required to include the information set forth in paragraphs (c) and (d) of subsection 3 if the claimant or his attorney files an affidavit, at the time that the affidavit is filed pursuant to subsection 1, stating that he made reasonable efforts to obtain the nonprivileged documents described in paragraph (c) of subsection 3, but was unable to obtain such documents before filing the action;

(b) The claimant or his attorney shall amend the report required pursuant to subsection 3 to include any documents and information required pursuant to paragraph (c) or (d) of subsection 3 as soon as reasonably practicable after receiving the document or information; and

(c) The court may dismiss the action if the claimant and his attorney fail to comply with the requirements of paragraph (b).

5. An expert consulted by an attorney to prepare an affidavit pursuant to this section must not be a party to the action.

6. As used in this section, "expert" means a person who:

(a) Is licensed in a state to engage in the practice of architecture, landscape architecture, professional engineering or land surveying; or

(b) Teaches or has taught at an accredited college or university in a discipline relevant to the action.

Sec. 4. 1. *The court shall dismiss any action commenced pursuant to NRS 40.600 to 40.695, inclusive, and sections 2, 3 and 4 of this act for the professional negligence of a design professional if the attorney for the complainant fails to:*

(a) File an affidavit required pursuant to section 3 of this act;

(b) File a report required pursuant to subsection 3 of section 3 of this act;
or

(c) Name the expert consulted in the affidavit required pursuant to subsection 1 of section 3 of this act.

2. *The fact that an attorney for a complainant has complied or failed to comply with the provisions of section 3 of this act is admissible in the action.*

Sec. 5. NRS 40.600 is hereby amended to read as follows:

40.600 As used in NRS 40.600 to 40.695, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 40.605 to 40.630, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. The amendatory provisions of this act do not apply to a claim initiated or an action commenced pursuant to NRS 40.600 to 40.695, inclusive, and sections 2, 3 and 4 of this act, unless the claim was initiated or the action was commenced on or after October 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to real property; requiring an affidavit in support of an action for professional negligence against certain design professionals; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires affidavit in support of action for professional negligence against certain design professionals. (BDR 3-1452)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 535.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 836.

Amend section 1, page 1, by deleting line 16 and inserting: “*requirements for the creation, receipt and exchange for consideration of credits to reduce and*”.

Amend sec. 2, page 3, by deleting lines 11 through 36 and inserting:

"2. If a district board of health, county board of health or board of county commissioners imposes the requirement described in subsection 1, its program established pursuant to NRS 445B.500 must:

(a) Provide a method for determining credits which results in credits that are quantifiable, surplus and legally enforceable;

(b) Set forth the manner in which credits will be banked and traded, and the manner in which such transactions will be tracked and accounted for by the board; and

(c) By not later than January 1, 2002, prohibit any person or entity from purchasing or selling credits of one type of pollutant if such credits will be used subsequently to produce a different type of pollutant."

Amend sec. 2, page 3, line 47, before "4." By inserting "[2.]"

Amend sec. 2, page 4, by deleting lines 1 through 9 and inserting:

"(a) "Credit" means an administratively created ~~right that~~

~~(a) Entitles~~ asset that may:

(1) Entitle a person operating or responsible for the existence of a source ~~[of air contaminant]~~ to allow the source to emit a certain level of air contaminant ~~[-and~~

~~(b) May be~~ above a baseline that is determined by the board;

(2) Be used to comply with the requirements of a permit; and

(3) Be traded or sold to another person.

(b) "Surplus" means that a credit is not earned by compliance with a requirement of the state implementation plan adopted by this state pursuant to 42 U.S.C. § 7410 or any other federal, state or local law, ordinance or regulation."

Amend sec. 3, page 4, line 10, by deleting "1."

Amend sec. 3, page 4, line 11, by deleting:

"subsection 2 of NRS 445.508" and inserting "NRS 445B.508".

Amend sec. 3, page 4, by deleting lines 15 through 19.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 543.

Bill read second time and ordered to third reading.

Senate Bill No. 565.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 863.

Amend section 1, page 1, lines 3 and 6, by deleting "*shall*" and inserting "*may*".

Amend sec. 3, page 2, by deleting lines 43 through 45.

Amend sec. 3, page 2, line 46, by deleting "4." and inserting "3."

Amend sec. 12, page 8, line 36, by deleting “10” and inserting “5”.

Amend sec. 14, page 9, line 22, by deleting “10” and inserting “5”.

Amend sec. 19, page 11, line 44, after “may” by inserting: “request that the county clerk”.

Amend sec. 24, page 13, by deleting lines 24 through 26 and inserting: “the petition. If the person ~~[demonstrates good cause therefor]~~ *makes such a request*, and the number of such requests received by the secretary of state could affect the sufficiency of the petition, the secretary of state shall strike the name of the person from the petition.”.

Amend the bill as a whole by adding a new section designated sec. 25, following sec. 24, to read as follows:

“Sec. 25. 1. This section and sections 1, 2 and 4 to 24, inclusive, of this act become effective on October 1, 2001.

2. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 2001.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 13.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:32 a.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 319, 448 and 460 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 319.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 957.

Amend the bill as a whole by deleting sections 1 and 2 and inserting:

“Secs. 1 and 2. (Deleted by amendment.)”.

Amend sec. 4, page 7, line 7, by deleting “*disabilities*,” and inserting: “*disabilities and pupils whose primary language is not English*,”.

Amend sec. 4, page 7, by deleting line 10 and inserting: “subsection 5 of NRS 389.015,”.

Amend sec. 6, page 7, line 39, after “*years*,” by inserting: “*The school in which such a pupil is enrolled shall allow the pupil to participate in the graduation ceremony of the school to receive his certificate of attendance*,”.

Amend sec. 7, page 8, line 37, by deleting: “*inclusive, and section 1 of this act*,” and inserting “*inclusive*,”.

Amend sec. 8, page 10, line 14, by deleting “*pupil*,” and inserting: “*pupil or the pupil’s individualized education program team*,”.

Amend sec. 8, page 10, line 41, by deleting “*disability*,” and inserting: “*disability and a pupil whose primary language is not English*,”.

Amend sec. 8, pages 10 and 11, by deleting line 48 on page 10 and line 1 on page 11 and inserting: “with the requirements set forth in this subsection, complete remedial study that is determined to be”.

Amend sec. 8, page 11, line 8, after “*years*,” by inserting: “*The school in which such a pupil is enrolled shall allow the pupil to participate in the graduation ceremony of the school to receive his certificate of attendance*,”.

Amend sec. 8, page 12, between lines 8 and 9, by inserting:

“9. As used in this section, “*individualized education program team*” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).”.

Amend the bill as a whole by adding new sections designated sections 11.3 and 11.7, following sec. 11, to read as follows:

“Sec. 11.3. 1. *The department shall, in consultation with the boards of trustees of school districts, the Nevada State Education Association, or its successor, and local associations and organizations of parents whose children are enrolled in public schools throughout this state, prepare and publish a list of not more than 10 model programs for the discipline of pupils that have proven effective for use by elementary schools, middle schools, junior high schools and high schools. In preparing the list, the department shall:*

- (a) Consider the effectiveness of each model program;*
- (b) Consider the disciplinary needs of schools located in urban areas and the disciplinary needs of schools located in rural areas; and*
- (c) Designate the grade level of pupils for whom each model program is designed.*

2. *Each school district shall adopt as many model programs approved by the department as are necessary to ensure that an appropriate model program is available for each grade level of pupils enrolled in the school district. Each school district shall ensure that each elementary school, junior high school, middle school and high school within the school district carries*

out the appropriate model program. Upon the approval of the department, a school district may adopt an expanded program of discipline if the expanded program complies with the corresponding model program. A public school of the school district may use only a program of discipline that is included on the list or, if applicable, an expanded program.

3. A school district may budget for the model programs carried out in the school district by including the costs of each model program in the regular budget for the school district.

Sec. 11.7. 1. A person shall not, through the use of any means of oral, written or electronic communication, knowingly threaten to cause bodily harm or death to a pupil or employee of a school district or charter school with the intent to:

(a) Intimidate, frighten, alarm or distress a pupil or employee of a school district or charter school;

(b) Cause panic or civil unrest; or

(c) Interfere with the operation of a public school, including, without limitation, a charter school.

2. Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of:

(a) A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances.

(b) A gross misdemeanor, if the threat causes:

(1) Any pupil or employee of a school district or charter school who is the subject of the threat to be intimidated, frightened, alarmed or distressed;

(2) Panic or civil unrest; or

(3) Interference with the operation of a public school, including, without limitation, a charter school.

3. As used in this section, "oral, written or electronic communication" includes, without limitation, any of the following:

(a) A letter, note or any other type of written correspondence.

(b) An item of mail or a package delivered by any person or postal or delivery service.

(c) A telegraph or wire service, or any other similar means of communication.

(d) A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication.

(e) A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.

(f) An audio or video recording or reproduction, or any other similar means of communication.

(g) An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication."

Amend sec. 16, page 16, by deleting lines 5 and 6 and inserting:

“one person employed by the school district who drives a school bus, one person employed by the school district as an administrator and one person employed by the school district as a teacher. An”.

Amend sec. 18, page 17, by deleting lines 17 through 19 and inserting: *“is issued pursuant to paragraph (a), his immediate supervisor may take action against the principal pursuant to NRS 391.311 to 391.3197, inclusive.”.*

Amend the bill as a whole by adding new sections designated sections 19.3 and 19.7, following sec. 19, to read as follows:

“Sec. 19.3. NRS 392.480 is hereby amended to read as follows:

392.480 1. It is unlawful for any person to disturb the peace of any public school by using vile or indecent language within the building or grounds of the school. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

2. It is unlawful for any person to ~~[threaten or]~~ assault any pupil or school employee:

(a) Within the building or grounds of the school;

(b) On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or

(c) At a location where the pupil or school employee is involved in an activity sponsored by a public school.

Except under circumstances described in paragraph (c) of subsection 2 of NRS 200.471 or in NRS 200.571, any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

3. It is unlawful for any person maliciously and purposely in any manner to interfere with or disturb any persons peaceably assembled within a building of a public school for school district purposes. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

4. For the purposes of this section “school employee” means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

Sec. 19.7. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not, through the use of any means of oral, written or electronic communication, knowingly threaten to cause bodily harm or death to a pupil or employee of a private school with the intent to:*

(a) *Intimidate, frighten, alarm or distress a pupil or employee of a private school;*

(b) *Cause panic or civil unrest; or*

(c) *Interfere with the operation of a private school.*

2. *Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of:*

(a) *A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances.*

(b) *A gross misdemeanor, if the threat causes:*

(1) *Any pupil or employee of a private school who is the subject of the threat to be intimidated, frightened, alarmed or distressed;*

(2) *Panic or civil unrest; or*

(3) *Interference with the operation of a private school.*

3. *As used in this section, "oral, written or electronic communication" includes, without limitation, any of the following:*

(a) *A letter, note or any other type of written correspondence.*

(b) *An item of mail or a package delivered by any person or postal or delivery service.*

(c) *A telegraph or wire service, or any other similar means of communication.*

(d) *A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication.*

(e) *A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.*

(f) *An audio or video recording or reproduction, or any other similar means of communication.*

(g) *An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication."*

Amend the bill as whole by deleting sections 21 through 23, and adding new sections designated sections 21 through 23, following sec. 20, to read as follows:

"Sec. 21. On or before July 1, 2002, the department of education shall develop alternative assessments in lieu of the high school proficiency examination for pupils with disabilities and pupils whose primary language is not English to receive a mastery diploma pursuant to section 6 of this act. The assessments must be available for use commencing with the 2002-2003 school year. The department of education may conduct selected reviews of the alternative assessments in the fall semester of 2002.

Sec. 22. Notwithstanding the provisions of NRS 389.015 and this act to the contrary, if a pupil who is classified as a senior in high school during the 2000-2001 school year or the 2001-2002 school year, fulfilled the requirements for a standard high school diploma except that he did not receive a passing score on the high school proficiency examination on the final administration of the examination in the applicable school year:

1. The school in which the pupil is enrolled shall allow the pupil to participate in the graduation ceremony of his high school in 2001 or 2002, as applicable; and

2. The pupil must be awarded a standard high school diploma.

If such a pupil has been given a certificate of attendance before the effective date of this act, he must be awarded a standard high school diploma to replace the certificate of attendance.

Sec. 23. 1. On or before March 1, 2002, the department of education shall prepare and publish a list of model programs for the discipline of pupils pursuant to section 11.3 of this act.

2. On or before November 1, 2002, each school district shall:

(a) Determine which model programs approved by the department of education will be most effective in the school district;

(b) Adopt those model programs identified in paragraph (a) that will be carried out by each elementary school, junior high school, middle school and high school of the school district.

(c) Notify the department of education of the model programs adopted by the school district.

3. During the 2002-2003 school year, each school district shall plan and budget for the implementation of the model programs in the school district. A school district shall budget for the model programs by:

(a) Eliminating the programs of discipline currently carried out in the school district that do not comply with the model programs and are not included on the list prepared by the department of education.

(b) Including the costs of the model programs adopted by the school district in the budget of the school district.

4. Each school district shall ensure that the model programs adopted by the school district are carried out not later than the school year commencing in 2003.”.

Amend the bill as a whole by deleting section 25 and adding new sections designated sections 25 and 26, following sec. 24, to read as follows:

“Sec. 25. The provisions of this act do not apply to offenses committed before July 1, 2001.

Sec. 26. 1. This section and section 22 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 8 to 21, inclusive, 23, 24 and 25 of this act become effective on July 1, 2001.

3. Sections 6 and 7 of this act become effective on July 1, 2002.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; revising provisions governing the reports of accountability prepared by boards of trustees of school districts; designating the types of diplomas that may be issued to pupils; authorizing a parent or legal guardian of a pupil to request an exemption for the pupil from the high school proficiency examination; revising provisions governing the administration of the achievement and proficiency examinations; requiring the department of education to adopt model programs for the discipline of pupils; requiring each school district to adopt appropriate model programs of discipline for use in the schools within the school district; authorizing drivers of school buses to remove the privilege of disruptive pupils to ride a school bus; requiring boards of trustees of school districts to establish certain committees to review the removal of the privilege of a pupil to ride a school bus; providing that certain pupils who do not pass the high school

proficiency examination are eligible to receive a standard high school diploma; providing a penalty; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 448.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 919.

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sec. 5 as sec. 3.

Amend sec. 5, page 2, by deleting line 23 and inserting:

“Sec. 3. This act becomes effective on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to railroad trains; requiring the Nevada gaming commission to adopt regulations governing the licensing and operation of railroad gaming; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for licensing and operation of railroad gaming. (BDR 41-1066)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 460.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 921.

Amend section 1, pages 1 and 2, by deleting lines 18 through 22 on page 1 and lines 1 through 7 on page 2 and inserting:

“(b) ~~Remit~~ Except for the amount of money withheld pursuant to subsection 3, remit to the department of taxation ~~£~~

(1) ~~One third of~~ the fees collected by the short-term lessor during the immediately preceding ~~[year]~~ calendar quarter pursuant to this section . ~~£~~ and

(2) ~~Of the remainder of those fees, any amount in excess of~~

3. A short-term lessor may deduct and withhold from the total fees otherwise due from him an amount equal to the total amount of vehicle licensing fees and taxes paid by the short-term lessor during the immediately preceding ~~[year]~~ calendar quarter pursuant to this chapter ~~£~~

~~3-7~~, except that the total amount deducted and withheld by a single short-term lessor each calendar quarter must not exceed \$25,000. For the purposes of this subsection, a short-term lessor and all of its subsidiaries and affiliates that share any common ownership shall be deemed to constitute a single short-term lessor.

4. The department of taxation shall deposit all money received”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Dini and Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 52.

Bill read third time.

Roll call on Assembly Bill No. 52:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Roll call on Assembly Bill No. 234:

YEAS—42.

NAYS—None.

Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 250:

YEAS—41.

NAYS—Gustavson.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278.

Bill read third time.

Roll call on Assembly Bill No. 278:

YEAS—42.

NAYS—None.

Assembly Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 797.

Amend the bill as whole by deleting sections 1 through 4 and renumbering sections 5 through 7 as sections 1 through 3.

Amend the bill as a whole by deleting sections 8 through 10, renumbering sec. 11 as sec. 5 and adding a new section designated sec. 4, following sec. 7, to read as follows:

“Sec. 4. Section 1 of Assembly Bill No. 130 of this session is hereby amended to read as follows:

Section 1. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this state. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's

probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If ~~he~~ :

(a) A postprobationary teacher who is an administrator is not reemployed ~~in that capacity~~ as an administrator after either year of his probationary period ~~he may accept~~ ; and

(b) *There is a position as a teacher available for the ensuing school year in the school district in which the person is employed, the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year . The person may accept the contract in writing on or before May 10. If ~~he~~ the person fails to accept the contract as a teacher, ~~he~~ the person shall be deemed to have rejected the offer of a contract as a teacher.*

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed ~~in that capacity~~ as a principal after the expiration of the additional probationary period, ~~he may accept~~ the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year ~~in writing, on or before May 10,~~ for the administrative position in which ~~he~~ the person attained postprobationary status. ~~If he~~ The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, ~~he~~ the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.”

Amend the title of the bill to read as follows:

“AN ACT relating to educational personnel; revising provisions governing the evaluation and admonition of probationary and postprobationary employees of school districts; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding educational personnel. (BDR 34-297)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Price.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Freeman, Brower, Carpenter, Beers and Anderson.

Assemblywoman Angle requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I would just remind everyone that AB 453 simply implements the will of the people. They spoke, not once but twice, in this State, with more than 65.2% of the public supporting it the second time around. In fact, out of the 42 Assembly seats in this body, in at least 34 of the seats, Question 9 received more votes than all of us sitting here. Governor Guinn also received 223,892 votes and Question 9 received 380, 926 votes. I think the public knew very well what they were voting on and recognized that under extreme medical conditions they supported the issue of a registry card and allowing an individual to have access to this. This is a states rights issue, which I think Nevadans have long held dear. In the second component of the bill, the defelonization issue is simply codifying what is current practice, but also offers different protections that are there. By supporting this legislation you are not only instituting the will of the people, you are also stating that you do not believe that drug use is correct; you do believe that prevention and treatment are. That is the focus of this legislation. Thank you.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of AB 453. It has long been a puzzle to me that people are forced to jump through such hoops to have access to something that is potentially very helpful to those who need it. The medical community and health care facilities have for many years regulated and dispensed controlled substances. There is no reason in the world that we shouldn't have done this a long time ago except for the fear in the law enforcement community that it was an entry level drug. Over the years it probably has been and that is probably all of our faults. I compliment my colleague from Las Vegas in bringing this to us and I think that we need to take the courageous step and support this piece of legislation.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. I rise in opposition, very reluctantly, to AB 453. Let me first echo some of the comments made by my colleague from Reno. I think I said a lot of the same things during the Judiciary Committee's hearing on this bill. As I read the bill, and if you look at it, it is a very long complicated bill. It creates too many hoops to jump through, for those who feel they might benefit from medical marijuana. I support the concept, but I think that this complicated bill creates more problems than it solves. Last week the United States Supreme Court reaffirmed

that it is a federal crime to possess or use marijuana. I know that many in this body are thinking as I speak—so what. So what about the feds—we don't care what the feds do. I have been known to say that from time to time myself. I believe very strongly in state's rights and the principles of federalism, but the fact is that I think this bill puts Nevadans in the position of a Catch 22. We are saying to them—we are not going to prosecute you, go ahead and buy, grow, possess and use. It is a federal crime but don't worry about that. I think it is unfair to put our citizens in that position, despite the fact that many feel the need to use marijuana to solve or relieve their medical problems. I think that those people will continue to do so. We all know that they will, as they have been.

The de-felonization issue is also a concern. The drug court judges I have talked to don't like this bill. They like the current system. They don't charge defendants with felonies for small first time possession. Our prison system is not full of small time marijuana possessors. That is not the way it works. I don't see this bill as the answer. I was hopeful that this session we could pass a bill that did not run afoul of Federal Law. Unfortunately, with the United States Supreme Court's decision of last week we can't do that with this bill. I commend my colleague for trying to tackle this problem that has the attention of so many Nevadans. I don't think this is the answer. If this bill does not make it through I would hope that she and others would continue to attempt to solve this problem. In my opinion it will take Congress changing the Federal Law before we can safely and effectively change the way the system works in Nevada. For those reasons I reluctantly oppose AB 453. Thank you, Mr. Speaker.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of AB 453. I think the most important part of this bill is the treatment part. On the first offense you have to find out if you are addicted. On the second time you must go to treatment. If we are ever going to make any headway on the drug problem in this nation it will be through treatment. That is the only thing that works. There were a lot of judges that came to Judiciary in support of allowing people to use marijuana for medicinal purposes. I think the people have spoken. As far as going against Federal Law—that is right down my alley. Thank you, Mr. Speaker. I do support AB 453.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker. I rise in support of AB 453 with two points that I don't believe have been made yet. One is that we tell our youth that possession of marijuana is a felony, but it is okay to drink beer till you can't move. I think that undermines the credibility of all the rest of our collective substance abuse control efforts. The other point is that we are one of the last states, if not the last, that has a felony law for possession.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of the legislation. The former Chief Justice of the State Supreme Court held a study of judges several years ago from which we are still trying to implement the various recommendations. One of them is this very piece of legislation. The need for this in terms of the hypocrisy that exists in a system that has legislation that mandates one thing, only to see it ignored by the district attorneys. It causes a high level of frustration in the law enforcement agencies that feel they do the right thing by the letter of the law and offenders are not prosecuted. It seems to me we should ask law enforcement personnel to do what we are asking them to do, not any less. If we are not going to enforce the law, we should not have it on the books. That is exactly what this is doing, forcing law enforcement into a difficult position. This legislation will clarify the situation.

Roll call on Assembly Bill No. 453:

YEAS—30.

NAYS—Angle, Brower, Brown, Cegavske, Gibbons, Gustavson, Humke, Lee, Oceguera, Smith, Tiffany, Von Tobel—12.

Assembly Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 630.

Bill read third time.

Roll call on Assembly Bill No. 630:

YEAS—42.

NAYS—None.

Assembly Bill No. 630 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 69 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 661.

Bill read third time.

Remarks by Assemblymen Bache, Collins, Carpenter, Leslie and Brower.

Potential conflict of interest declared by Assemblyman Collins.

Conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 661:

YEAS—33.

NAYS—Angle, Buckley, Giunchigliani, Goldwater, Gustavson, Leslie, Manendo, Parks—8.

NOT VOTING—Brower.

Assembly Bill No. 661 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 666.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 666:

YEAS—42.

NAYS—None.

Assembly Bill No. 666 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 25:

YEAS—42.

NAYS—None.

Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 26.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 26:

YEAS—42.

NAYS—None.

Senate Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Roll call on Senate Bill No. 27:

YEAS—42.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Roll call on Senate Bill No. 38:

YEAS—42.

NAYS—None.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblymen Goldwater, Buckley, Gustavson, Gibbons and Anderson.

Assemblyman Goldwater moved that Senate Bill No. 39 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 48.

Bill read third time.

Remarks by Assemblymen Anderson and Beers.

Potential conflict of interest declared by Assemblyman Beers.

Roll call on Senate Bill No. 48:

YEAS—42.

NAYS—None.

Senate Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 49.

Bill read third time.

Remarks by Assemblymen Angle and Beers.

Potential conflict of interest declared by Assemblyman Beers.

Roll call on Senate Bill No. 49:

YEAS—41.

NAYS—None.

NOT VOTING—Brower.

Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 61.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 61:

YEAS—42.

NAYS—None.

Senate Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 62.

Bill read third time.

Remarks by Assemblymen Mortenson, Giunchigliani, Anderson, Beers, Chowning, de Braga, Freeman, Price, Collins, Carpenter and Von Tobel.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 62:

YEAS—36.

NAYS—Chowning, Freeman, Goldwater, Gustavson, Mortenson, Tiffany—6.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblyman Goldwater.

Assemblyman Goldwater moved that Senate Bill No. 70 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 135.

Bill read third time.

Roll call on Senate Bill No. 135:

YEAS—42.

NAYS—None.

Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 367 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 228 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 196 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that upon return from the printer Senate Bill No. 565 be placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 144.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Senate Bill No. 144:

YEAS—41.

NAYS—Gibbons.

Senate Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 150

Bill read third time.

Remarks by Assemblymen Buckley, Bache, Gustavson, Mortenson and Giunchigliani.

Assemblyman Bache moved that Senate Bill No. 150 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblymen Dini, Gustavson, Manendo and Giunchigliani.

Roll call on Senate Bill No. 153:

YEAS—39.

NAYS—Collins, Gustavson—2.

NOT VOTING—Carpenter.

Senate Bill No. 153 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 156.

Bill read third time.

Remarks by Assemblymen Goldwater, Parks, Neighbors, Marvel and Brower.

Potential conflict of interest declared by Assemblymen Brower, Marvel, Neighbors and Parks.

Roll call on Senate Bill No. 156:

YEAS—42.

NAYS—None.

Senate Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 303 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was re-referred Senate Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Energy, to which was referred Senate Bill No. 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 236 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 113 be placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 879.

Amend section 1, page 1, by deleting lines 12 through 15 and inserting: *“week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child’s employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory attendance at the time his contract with the entity is under negotiation.”*.

Amend section 1, page 2, line 2, after “tutoring” by inserting: *“or other educational or instructional services”*.

Amend the title of the bill, second line, after “tutoring” by inserting: *“or other educational or instructional services”*.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 878.

Amend sec. 4, page 2, by deleting lines 36 through 38 and inserting:

“(b) ~~Graduated~~ Except as otherwise provided in paragraph (c), graduated from a public or private high school in this state:

(1) After May 1, 2000; and

(2) Not more than 8 years before he applies for the scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this state with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his high school diploma within 5 years after he was regularly scheduled to graduate; and

(3) Applies for the scholarship not more than 8 years after he was regularly scheduled to graduate from high school;

(d)”.

Amend sec. 4, page 2, line 42, by deleting “(d)” and inserting “~~(d)~~ (e)”.

Amend sec. 4, page 3, by deleting lines 1 through 3.

Amend sec. 4, page 3, line 10, by deleting “For” and inserting:

“~~For~~ Except as otherwise provided in paragraph (c) of subsection 1, for”.

Amend the title of the bill, line 3, after “state;” by inserting: *“revising the eligibility requirements for certain pupils who did not graduate from high school at the time regularly scheduled for their graduation;”*.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 1:57 p.m.

ASSEMBLY IN SESSION

At 3:37 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 210 be placed on the Second Reading File.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 257 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 210.

Bill read second time.

The following amendment was proposed by the Select Committee on Energy:

Amendment No. 954.

Amend sec. 4, page 4, by deleting lines 13 through 22 and inserting:

"6. ~~[All accident reports]~~ *Each accident report* required to be made by a public utility pursuant to this section must be filed in the office of the commission and there preserved. ~~[Notwithstanding any other provisions of law, neither any]~~ *Each accident report* ~~[made as]~~ required to be made by a public utility pursuant to this chapter ~~[, nor any report of]~~ and each report made by the commission ~~[made]~~ pursuant to its investigation of any accident ~~[investigation made by it, may] :~~

(a) *Except as otherwise provided in subsection 2 of NRS 703.190, must be open to public inspection* ~~[or disclosed to any person, except upon order of the commission, nor may either or any of the reports, or any portion thereof,]~~ ; and

(b) *Notwithstanding any specific statute to the contrary, must not, in whole or in part, be admitted as evidence or used for any purpose in any suit or action for damages* ~~[growing]~~ arising out of any matter mentioned in ~~[the]~~:

(1) *The accident report required to be made by the public utility; or*

(2) *The report [of any such] made by the commission pursuant to its investigation.*”.

Amend sec. 8, page 6, by deleting lines 18 through 22 and inserting:

“1. *“Alternative seller” has the meaning ascribed to it in NRS 704.994.*”.

Amend sec. 13, page 10, by deleting lines 16 through 20 and inserting:

“4. *As used in this section, “alternative seller” has the meaning ascribed to it in NRS 704.994.*”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 39 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 70 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 122 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 531 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 531.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 991.

Amend the bill as a whole by adding a new section designated sec. 19.5, following sec. 19, to read as follows:

“Sec. 19.5. Sections 2 and 3 of Senate Bill No. 561 of this session are hereby amended to read as follows:

Sec. 2. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The director, in consultation with the committee and legislative auditor, shall adopt a uniform system of internal accounting and

administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The director, in consultation with the committee and legislative auditor, may modify the system whenever he considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include:

(a) A board ~~for commission~~ created by the provisions of chapters 623 to ~~625,~~ 625A, inclusive, 628 , 630 to 640A, inclusive, 641 to 644, inclusive, 654 and 656 of NRS.

(b) The University and Community College System of Nevada.

(c) The public employees’ retirement system.

(d) The housing division of the department of business and industry.

(e) The Colorado River commission of Nevada.

Sec. 3. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the director whether the agency’s system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the legislature.

3. For the purposes of this section, “agency” does not include:

(a) A board ~~for commission~~ created by the provisions of chapters 623 to ~~625,~~ 625A, inclusive, 628 , 630 to 640A, inclusive, 641 to 644, inclusive, 654 and 656 of NRS.

(b) The University and Community College System of Nevada.

(c) The public employees’ retirement system.

(d) The housing division of the department of business and industry.

(e) The Colorado River commission of Nevada.

4. The director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the legislative counsel bureau for transmittal to the:

(1) Senate standing committee on finance; and

(2) Assembly standing committee on ways and means;

(b) Governor; and

(c) Legislative auditor.

5. The report submitted by the director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Bache moved that upon return from the printer Senate Bill No. 531 be placed on the Chief Clerk’s desk.

Remarks by Assemblyman Bache.

Motion carried.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 175:

YEAS—42.

NAYS—None.

Senate Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 202.

Bill read third time.

Roll call on Senate Bill No. 202:

YEAS—42.

NAYS—None.

Senate Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 211.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 211:

YEAS—42.

NAYS—None.

Senate Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 219

Bill read third time.

Remarks by Assemblywomen Chowning and Giunchigliani.

Assemblywoman Buckley moved that Senate Bill No. 219 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Senate Bill No. 222.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 222:

YEAS—42.

NAYS—None.

Senate Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 376 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 227.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 227:

YEAS—41.

NAYS—Collins.

Senate Bill No. 227 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 238.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 238:

YEAS—42.

NAYS—None.

Senate Bill No. 238 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 249.

Bill read third time.

Roll call on Senate Bill No. 249:

YEAS—42.

NAYS—None.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Roll call on Senate Bill No. 250:

YEAS—41.

NAYS—Humke.

Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

Roll call on Senate Bill No. 252:

YEAS—42.

NAYS—None.

Senate Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 255:

YEAS—42.

NAYS—None.

Senate Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 260.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 260:

YEAS—42.

NAYS—None.

Senate Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

Roll call on Senate Bill No. 273:

YEAS—38.

NAYS—Angle, Collins, Gustavson, Hettrick—4.

Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Remarks by Assemblymen Dini, Collins, Lee and Brown.

Potential conflict of interest declared by Assemblymen Collins and Lee.

Conflict of interest declared by Assemblyman Brown.

Roll call on Senate Bill No. 274:

YEAS—41.

NAYS—None.

NOT VOTING—Brown.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 297.

Bill read third time.

Roll call on Senate Bill No. 297:

YEAS—42.

NAYS—None.

Senate Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 298.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 298:

YEAS—42.

NAYS—None.

Senate Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 299

Bill read third time.

Assemblyman Parks moved that Senate Bill No. 299 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Senate Bill No. 330 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 301.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 301:

YEAS—42.

NAYS—None.

Senate Bill No. 301 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 317.

Bill read third time.

Roll call on Senate Bill No. 317:

YEAS—42.

NAYS—None.

Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 336.

Bill read third time.

Roll call on Senate Bill No. 336:

YEAS—42.

NAYS—None.

Senate Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 349.

Bill read third time.

Remarks by Assemblymen Bache, Hettrick, Gustavson, Anderson, Arberry, Beers, Carpenter, Giunchigliani, Koivisto, McClain, Neighbors, Oceguera, Parks, Parnell and Williams.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen Anderson, Arberry, Bache, Beers, Carpenter, Giunchigliani, Gustavson, Hettrick, Koivisto, McClain, Neighbors, Ocegguera, Parks, Parnell, Perkins and Williams.

Roll call on Senate Bill No. 349:

YEAS—41.

NAYS—None.

NOT VOTING—Hettrick.

Senate Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 372.

Bill read third time.

The following amendment was proposed by Assemblyman Humke:

Amendment No. 953.

Amend sec. 8, page 2, line 48, after “*electricity*,” by inserting “*and*”.

Amend sec. 8, page 3, by deleting lines 1 and 2.

Amend sec. 8, page 3, line 3, by deleting “*(c)*” and inserting “*(b)*”.

Amend sec. 8, page 3, by deleting lines 14 and 15 and inserting “*electricity*.”.

Amend sec. 9, page 3, line 16, by deleting “*a*” and inserting “*an end-use*”.

Amend sec. 9, page 3, line 21, before “*purchases*” by inserting: “*is an end-use customer that*”.

Amend sec. 10, page 4, by deleting line 6 and inserting: “*pursuant to a renewable energy contract with another party, the term of the renewable energy contract must*”.

Amend sec. 10, page 4, line 7, before “*contract*” by inserting “*renewable energy*”.

Amend sec. 10, page 4, line 9, before “*contract*” by inserting “*renewable energy*”.

Amend sec. 10, page 4, line 10, before “*contract*” by inserting “*renewable energy*”.

Amend sec. 10, page 4, line 11, before “*contract.*” by inserting “*renewable energy*”.

Amend sec. 10, page 4, by deleting lines 31 through 33 and inserting: “*If the commission determines that:*

(a) *There is not or will not be a sufficient supply of electricity from such renewable energy systems made available to the provider during a calendar year; or*

(b) *The contract price that the provider will be required to pay for renewable energy contracts to comply with its portfolio standard during a calendar year will be more than 5 percent above the contract price for nonrenewable energy contracts of similar availability and terms, the commission shall exempt the*”.

Amend sec. 10, page 4, between lines 36 and 37 by inserting:

“7. *As used in this section:*

(a) *“Nonrenewable energy contract” means a contract to acquire electricity from a facility or energy system other than a renewable energy system.*

(b) *“Renewable energy contract” means a contract to acquire electricity from a renewable energy system.”.*

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke, Bache, Von Tobel, de Braga, Hettrick, Collins, Goldwater, Freeman and Buckley.

Assemblywoman Gibbons requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. The first part of the amendment adds Section 8. It deals with the effective date; January 1, 1997 and does eliminate that, eliminating the existing geothermal companies from being part of the portfolio. It would change a section of the bill so that existing geothermal contracts would be counted under the percentage requirement for the renewal energy. The second part of the amendment changes Section 9 providing for a clarification to include the words “in use customer.” This would make everyone subject to the portfolio standard and not just the incumbent utility. There are certain other public utilities out there that this amendment would bring under the bill. The third change, in Section 10, provides for consumer protection and the effect of this amendment language is that it provides for a 5 percent differential above the price of renewable contracts that all the utilities could pay for the certain renewable energy as defined in the bill.

At a time of uncertainty in the energy market, additional generation sources in the state should be examined. Environmentally friendly renewables are extremely important in the solution to our energy woes; however, with energy prices increasing now is not the time to increase rates even more by subsidizing renewable energy. We need some kind of consumer protection so Nevadans are not paying a premium for these types of resources. Thank you, Mr. Speaker.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I rise in opposition to this amendment to SB 372. I believe that the effect of it would be to eliminate some of the possible renewable resources. The solar industry in particular would see this as a signal that Nevada was not interested in renewable resources. We would not be able to bring in new businesses to develop here. Other renewable energy businesses such as geothermal and wind would look at this and say, “We may as well leave Nevada. It won’t help.” We also need to broaden our portfolio standard. Part of our problem that we have now is that we have been so dependent on fossil fuels that we haven’t had the development of these renewables. We need to encourage that market and Nevada could be a renewable resource producer for the nation. Thank you.

ASSEMBLYWOMAN VON TOBEL:

Thank you, Mr. Speaker. I rise in support of the amendment to SB 372. We have to recognize these companies that are planning to come to our state to start up solar, are very large companies. Why are we subsidizing them when BP is one large company? It has a market cap of \$207 billion. I don’t think they need this many subsidies to get started. If this is a feasible business plan, it will be successful. To protect the consumers by requiring this source of power be within 5 percent of all the other power out there, is consumer protection. This is a time when we need to save our ratepayers from high energy bills. If anyone has looked at their power bill lately; we haven’t even been home and my power bill from using air conditioning for two days was over \$80, based on a house that hasn’t even been used. That is just the beginning. These rates are going to continue to go up and it’s not the time to allow a major to go forward that will increase bills even more. Thank you, Mr. Speaker.

ASSEMBLYWOMAN DE BRAGA:

Thank you, Mr. Speaker. I just wish to disclose that I'm a recipient of geothermal royalties, however this bill doesn't affect me in any manner. Should the amendment pass, I hold an interest in a business that would be qualified to be a potential source of renewables for electric utilities to meet their portfolio standards but it would not affect me any differently than anyone else.

ASSEMBLYMAN HETRICK:

Thank you, Mr. Speaker. I rise in support of the amendment. I would point out that by offering a 5 percent bonus over the cost of non-renewable energy contract, you are actually paying a bonus and recognizing the need to include renewables. The issue here is whether we need to include renewables at any price and in any amount. We are also in other bills, including this bill, saying that we have to do 5 percent and up to 15 percent. We are simply concerned the ratepayers are going to end up paying significantly more. We are trying to say that if it is 5 percent more, it's worth it. If it goes beyond that, we're not certain it is and it would have a negative impact on the ratepayer. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. Just in the last few minutes, SB 273 and SB 227 have been passed, making breaks for these types of renewable businesses. A tax break, which means those communities will have to find that revenue somewhere else. Further, it seems to be that 15 years ago the PUC put in a "Green Power" and I don't know if anyone knows how much alternate energy or renewable energy that has brought to our state. I'm puzzled either way, whether this amendment does any good or not, or whether the bill would do any good or not. Maybe someone in Taxation or the Select Energy Committee could say. We give them a break on property taxes up to ten years. We've given them a break on sales tax, in another bill, for their equipment. Where does that get replaced, unless it's from other people's rates? If someone could answer that I think it would affect some votes on additional bills.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. If it's the Speaker's determination that this is germane issue to this particular amendment I would mention to the Assemblyman from District 1 that all the renewable tax exemptions that have passed have less than a ten year sunset. In fact, I think five years is the largest one. The testimony in the committee was that these are economic development type exemptions. That once they build these facilities, once they get them operated and those exemptions go away, that there is such a positive impact on these fledgling rural communities that the tax exemptions benefit more than they cost. That was the testimony in the committee. Additionally, there was a society benefit determined. Renewable energy might be worth offering these incentives as well.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I have no quarrel with the other two bills mentioned by the Assemblyman from District 1 with the tax exemptions offered. I voted for those on the basis of the economic development theory. The problem with this bill with the 15 percent requirement is that ultimately in a few years ratepayers will subsidize these "green" or renewable sources of energy. That is just wrong. There should be a cap of some sort. If you don't like a 5 percent cap above the standard electricity generated cost, then name a cap price. That is all the amendment is suggesting. In reference to the other part of the amendment and the other question raised by the Assemblyman there was testimony in the committee that Sierra Pacific Power currently uses approximately 9 percent of its energy from geothermal sources. That is the only figure I can give you. Thank you, Mr. Speaker.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of the amendment to SB 372. Anyone who knows me, knows that I support renewable energy. I see this as a consumer protection issue. I do support the amendment. I think it is a good move.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I rise in opposition to the amendment. I think I share the concerns of everyone in this body that we must do all we can from a public policy point of view to keep electricity as low as they can be. There is nothing we can do to stop prices from rising since much of the increase is due to the market. In every bill we consider and in every policy we discuss, however, we can do all we can to make sure prices stay as low as possible and that we don't end up in the mess we are in right now. I think we can do that by enacting SB 372 without the amendment. In committee, it was very clear that if we don't send a strong signal to renewable energy providers, that they won't come to our state. It is, also, I believe, undisputed that we don't have a diverse portfolio. When you rely on one type of energy and then the price goes through the roof, you haven't hedged your bets. You have not assured you are assuming too much risk. Prices go through the roof. That is what we have right now. In terms of consumer protection, there are a couple of consumer protections contained in the bill that were not mentioned. First, the standard initially set is 5 percent. It does not begin until the years 2003 and 2004. As the sponsor of the amendment indicated, the power company is at a 9 percent standard, which would not be required to be met until 2007 and 2008. So how this policy doesn't make sense, I believe is already apparent by the fact they are already meeting a certain standard. Additionally, all utility rates must be just and reasonable. If the Public Utilities Commission finds that renewables are not comparable, they do not have to approve them. Additionally, the Nevada Legislature will be in session in 2003. If we feel that our public policy purposes are not being met, we can revisit it. I believe the bill, without the amendment, will attract energy providers that we need to keep prices low for our constituents.

Potential conflict of interest declared by Assemblyman de Braga.

Amendment lost on a division of the House.

Remarks by Assemblyman Bache.

Assemblywoman Gibbons requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. SB 372 requires all counties and incorporated cities whose population is 100,000 or more to adopt model construction and energy codes that regulate the design of energy efficient buildings and the installation of energy efficient mechanical lighting and power systems for all new construction. The bill increases the renewable portfolio standard to no less than 5 percent per year of the total amount of electricity annually consumed by customers of a electric utility or alternative seller for the year ending December 31, 2003 and December 31, 2004. Not less than 10 percent of this requirement must be met from solar renewable energy systems. Therefore, the portfolio standard increases 2 percent at the end of each succeeding biennium until it reaches 15 percent of the total amount of electricity consumed as of December 31, 2013 and December 31, 2014.

Additionally, if the portfolio standard is procured from a renewable energy system pursuant to a contract with a third party, the term of the contract must not be less than 10 years unless the third party so chooses. Any such contract approved by the Public Utilities Commission (PUC) shall be deemed to be a prudent investment and the electric utility may recover all just and reasonable costs associated with the contract.

Moreover, the bill requires the PUC to establish a mechanism for enforcement of the portfolio standard. The mechanism may include but is not limited to assessing a per kilowatt hour fee for each kilowatt hour from a renewable energy system not sold by the electric utility or alternative seller as required by the portfolio standard in particular year. If the PUC determines that sufficient energy from renewable energy system is not available to a utility or alternative seller in a particular year, than no penalty shall be accessed for that deficiency in that year.

Finally, the bill defines renewable energy system to mean an energy system in this state that utilizes renewable energy to produce electricity that was installed and commenced operation after January 1, 1997 and that transmits energy via dedicated or shared transmission or

distribution lines. The term also includes a solar, thermal energy system that reduces the consumption of electricity and was installed after January 1, 1997. Thank you, Mr. Speaker.

Roll call on Senate Bill No. 372:

YEAS—28.

NAYS—Angle, Beers, Berman, Brower, Brown, Cegavske, Collins, Gustavson, Hettrick, Marvel, Nolan, Tiffany, Von Tobel—13.

NOT VOTING—Carpenter.

Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 380.

Bill read third time.

Roll call on Senate Bill No. 380:

YEAS—42.

NAYS—None.

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 381.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 381:

YEAS—42.

NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 389.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 389:

YEAS—42.

NAYS—None.

Senate Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 466 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 397.

Bill read third time.

Roll call on Senate Bill No. 397:

YEAS—42.

NAYS—None.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Roll call on Senate Bill No. 406:

YEAS—40.

NAYS—Buckley, Leslie—2.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 412.

Bill read third time.

Roll call on Senate Bill No. 412:

YEAS—42.

NAYS—None.

Senate Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 415.

Bill read third time.

Remarks by Assemblywomen Freeman and Giunchigliani.

Roll call on Senate Bill No. 415:

YEAS—41.

NAYS—Anderson.

Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 418.

Bill read third time.

Remarks by Assemblymen Chowning, Parks, Lee, Carpenter and Price.

Potential conflict of interest declared by Assemblymen Chowning, Parks, Lee, Carpenter and Price.

Roll call on Senate Bill No. 418:

YEAS—42.

NAYS—None.

Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 480.

Bill read third time.

Roll call on Senate Bill No. 480:

YEAS—42.

NAYS—None.

Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

Roll call on Senate Bill No. 483:

YEAS—42.

NAYS—None.

Senate Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 484.

Bill read third time.

Roll call on Senate Bill No. 484:

YEAS—42.

NAYS—None.

Senate Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 499.

Bill read third time.

Roll call on Senate Bill No. 499:

YEAS—42.

NAYS—None.

Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 519.

Bill read third time.

Roll call on Senate Bill No. 519:

YEAS—42.

NAYS—None.

Senate Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 528.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 528:

YEAS—42.

NAYS—None.

Senate Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 530.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 530:

YEAS—42.

NAYS—None.

Senate Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 533.

Bill read third time.

Roll call on Senate Bill No. 533:

YEAS—42.

NAYS—None.

Senate Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 546.

Bill read third time.

Roll call on Senate Bill No. 546:

YEAS—42.

NAYS—None.

Senate Bill No. 546 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 548.

Bill read third time.

Roll call on Senate Bill No. 548:

YEAS—42.

NAYS—None.

Senate Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 552.

Bill read third time.

Roll call on Senate Bill No. 552:

YEAS—41.

NAYS—Gustavson.

Senate Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 556.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 556:

YEAS—42.

NAYS—None.

Senate Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 557.

Bill read third time.

Roll call on Senate Bill No. 557:

YEAS—42.

NAYS—None.

Senate Bill No. 557 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 560.

Bill read third time.

Roll call on Senate Bill No. 560:

YEAS—38.

NAYS—Angle, Cegavske, Gustavson, Hettrick—4.

Senate Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 566.

Bill read third time.

Roll call on Senate Bill No. 566:

YEAS—42.

NAYS—None.

Senate Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 568.

Bill read third time.

Roll call on Senate Bill No. 568:

YEAS—42.

NAYS—None.

Senate Bill No. 568 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 569.

Bill read third time.

Roll call on Senate Bill No. 569:

YEAS—39.

NAYS—Angle, Gustavson—2.

NOT VOTING—Goldwater.

Senate Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11 of the 70th Session.

Resolution read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Joint Resolution No. 11 of the 70th Session:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 11 of the 70th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblymen Buckley, Collins and Anderson.

Assemblyman Anderson moved that Assembly Bill No. 69 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblymen Chowning, Gustavson, and Mortenson.

Roll call on Senate Bill No. 303:

YEAS—30.

NAYS—Angle, Beers, Brown, Carpenter, Dini, Freeman, Gustavson, Hettrick, Marvel, Parnell, Perkins, Von Tobel—12.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 39:

YEAS—37.

NAYS—Angle, Buckley, Carpenter, Collins, Gustavson—5.

Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

The following amendment was proposed by the Assemblywoman Freeman:

Amendment No. 963.

Amend sec. 2, page 1, line 4, after “*chapter*,” by inserting: “*unless the context otherwise requires*,”.

Amend sec. 5, page 2, by deleting line 7 and inserting: “*this state. The term includes a county fair and recreation board of a county when it is acting on behalf of the county pursuant to section 10 of this act*.”.

Amend sec. 13, page 4, line 30, after “*levied*” by inserting: “*on a specific operator*”.

Amend sec. 14, page 4, lines 41 and 42, by deleting: “*provides otherwise by ordinance or resolution*,” and inserting: “*otherwise provides by ordinance, resolution or regulation*,”.

Amend sec. 15, page 5, by deleting lines 4 and 5 and inserting:

“(a) *The rate of tax on transient lodging*,”.

Amend sec. 53, page 22, by deleting lines 23 and 24 and inserting: “*general or special obligations issued by the city for a purpose authorized by the laws of this state*.”.

Amend sec. 53, page 22, by deleting lines 28 and 29 and inserting: “*general or special obligations issued by the city pursuant to the laws of this state*,”.

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 376.

Bill read third time.

Remarks by Assemblymen Goldwater and Collins.

Roll call on Senate Bill No. 376:

YEAS—42.

NAYS—None.

Senate Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 54.

The following Senate amendment was read:

Amendment No. 663.

Amend section 1, page 1, lines 4 and 5, by deleting:

“kidnapping, attempted murder or felony aggravated stalking,” and inserting:
“kidnapping or attempted murder,”.

Amend section 1, page 1, line 8, by deleting “12” and inserting “5”.

Amend section 1, page 1, line 13, by deleting “section:” and inserting
“section,”.

Amend section 1, page 1, by deleting lines 14 and 15.

Amend section 1, page 1, line 16, by deleting “(b) “Law” and inserting
““law””.

Amend the bill as a whole by renumbering sections 4 and 5 as sections 6 and 7 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

“Sec. 4. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the division is supervising a probationer or parolee pursuant to an interstate compact and the probationer or parolee is or has been convicted in another jurisdiction of violating a law that prohibits the same or similar conduct as an offense listed in subsection 4 of NRS 176.0913, the division shall arrange for a biological specimen to be obtained from the probationer or parolee.*

2. *After a biological specimen is obtained from a probationer or parolee pursuant to this section, the division shall:*

(a) *Provide the biological specimen to the forensic laboratory that has been designated by the county in which the probationer or parolee is residing to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917; and*

(b) *Submit the name, social security number, date of birth and any other information identifying the probationer or parolee to the central repository for Nevada records of criminal history.*

3. *A probationer or parolee, to the extent of his financial ability, shall pay the sum of \$150 to the division as a fee for obtaining the biological specimen and for conducting the analysis to determine the genetic markers of the biological specimen. Except as otherwise provided in subsection 4, the fee required pursuant to this subsection must be collected from a probationer or parolee at the time the biological specimen is obtained from the probationer or parolee.*

4. *A probationer or parolee may arrange to make monthly payments of the fee required pursuant to subsection 3. If such arrangements are made,*

the division shall provide a probationer or parolee with a monthly statement that specifies the date on which the next payment is due.

5. *Any unpaid balance for a fee required pursuant to subsection 3 is a charge against the division.*

6. *The division shall deposit money that is collected pursuant to this section in the fund for genetic marker testing, which is hereby created in the state general fund. The money deposited in the fund for genetic marker testing must be used to pay for the actual amount charged to the division for obtaining biological specimens from probationers and parolees, and for conducting an analysis to determine the genetic markers of the specimens.*

Sec. 5. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, *and section 4 of this act*, unless the context otherwise requires, “CODIS” means the Combined DNA Indexing System operated by the Federal Bureau of Investigation.”.

Amend sec. 4, page 2, line 34, by deleting “[4.] 6.” and inserting “4.”.

Amend sec. 4, page 3, by deleting lines 7 through 22 and inserting: “176.0917. Any cost that is incurred to obtain ~~the samples of blood from the~~ a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted”.

Amend sec. 4, page 3, line 24, by deleting “[4.] 6.” and inserting “4.”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 5, to read as follows:

“Sec. 8. NRS 176.0917 is hereby amended to read as follows:

176.0917 1. The board of county commissioners of each county shall designate a forensic laboratory to conduct or oversee for the county any genetic marker testing that is ordered *or arranged* pursuant to NRS 176.0913 ~~[.]~~ *or section 4 of this act.*

2. The forensic laboratory designated by the board of county commissioners pursuant to subsection 1:

(a) Must be operated by this state or one of its political subdivisions; and

(b) Must satisfy or exceed the standards for quality assurance that are established by the Federal Bureau of Investigation for participation in CODIS.”.

Amend sec. 6, page 4, by deleting lines 48 and 49 and inserting: “a person who is convicted of ~~[sexual assault or any other sexual]~~ a criminal offense, to the division in the”.

Amend sec. 6, page 5, by deleting lines 20 and 21 and inserting: “~~assault or any other sexual]~~ a criminal offense.”.

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 11 as sections 11 through 13.

Amend sec. 9, page 8, lines 2 and 3, by deleting: “kidnapping, attempted murder or felony aggravated stalking” and inserting: “kidnapping or attempted murder”.

Amend sec. 10, page 8, line 6, by deleting “7,” and inserting “10.”

Amend the title of the bill by deleting the second and third lines and inserting: “which a prosecution for kidnapping or attempted murder must be commenced; revising certain provisions concerning”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 54.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

The following Senate amendment was read:

Amendment No. 674.

Amend sec. 2, page 3, line 27, after “if” by inserting: “*the arresting officer determines that*”.

Amend sec. 4, page 6, line 2, after “if” by inserting: “*the peace officer or probation officer who has taken the child into custody determines that*”.

Amend sec. 6, page 8, line 47, after “if” by inserting: “*the arresting officer determines that*”.

Amend sec. 7, page 10, line 9, after “if” by inserting: “*the arresting officer determines that*”.

Amend sec. 8, page 11, line 32, after “magistrate,” by inserting: “*or without the amount of bail having been otherwise set by a magistrate or a court,*”.

Amend sec. 8, page 12, line 7, by deleting “court.” and inserting: “court ~~+~~ , or when a magistrate or a court has otherwise been contacted to set the amount of bail.”.

Amend sec. 8, page 12, line 19, after “if” by inserting: “*the arresting officer determines that*”.

Amend sec. 8, page 12, line 22, after “magistrate,” by inserting: “*or without the amount of bail having been otherwise set by a magistrate or a court,*”.

Amend sec. 8, page 12, line 45, by deleting “court.” and inserting: “*court, or when a magistrate or a court has otherwise been contacted to set the amount of bail.*”.

Amend the title of the bill, fifth line, after “if” by inserting: “*the arresting officer determines that*”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 377.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 135.

The following Senate amendment was read:

Amendment No. 662.

Amend sec. 6, page 2, by deleting sec. 6 and inserting:

“Sec. 6. (Deleted by amendment.)”.

Amend the title of the bill by deleting the sixth through eighth lines and inserting: “defining the duties of the fraud control unit; and providing other matters properly relating thereto.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 135.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 336.

The following Senate amendment was read:

Amendment No. 673.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend the bill as a whole by adding a new section designated sec. 2, following sec. 2, to read as follows:

“Sec. 2. NRS 127.152 is hereby amended to read as follows:

127.152 1. Except as otherwise provided in subsection ~~{2,}~~ 3, the division or a licensed child-placing agency shall provide the adopting parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the division or licensed child-placing agency. ~~{, and}~~

(b) Any information obtained by the division or licensed child-placing agency during interviews of the natural parent regarding:

(1) The medical and sociological history of the child and the natural parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies adopted by the division for the disclosure of such information.

(c) *Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127.186 that he has any special needs.*

2. *The division or child-placing agency shall obtain from the adopting parents written confirmation that the adopting parents have received the report required pursuant to subsection 1.*

3. The report ~~{created}~~ *required* pursuant to subsection 1 must exclude any information that would lead to the identification of the natural parent.”.

Amend sec. 3, pages 2 and 3, by deleting lines 46 through 48 on page 2 and lines 1 through 11 on page 3, and inserting:

“(a) Schedule all evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs ~~[and notify]~~ :

(1) Notify the proposed adoptive parents ~~[of a]~~”.

Amend sec. 3, page 3, line 19, by deleting:

“adoptive parents or”.

Amend sec. 3, page 3, by deleting lines 28 through 34 and inserting: *“adoption and} grant of financial assistance.”.*

Amend sec. 4, page 4, by deleting lines 2 and 3 and inserting:

“127.2817 1. The division shall ~~[-~~

1. ~~Adopt]~~ adopt regulations setting forth the criteria to be used by the division”.

Amend sec. 4, page 4, by deleting lines 6 through 9 and inserting: *“adoption . ~~[-~~ and*

2. ~~If a determination is made pursuant to an investigation required by]~~

2. Upon the completion of an investigation conducted by the division or a licensed child-placing agency pursuant to NRS 127.120 or 127.2805 , the division or child-placing agency shall inform the prospective adoptive parent or”.

Amend sec. 4, page 4, by deleting line 13 and inserting:

“division or child-placing agency shall provide the prospective adoptive parent or parents with an”.

Amend the title of the bill by deleting the third through fifth lines and inserting:

“persons involved in the process of adoption; requiring the division of child and family services of the department of human resources and a child-placing agency timely and diligently to schedule evaluations necessary to”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires provision of certain information and assistance to certain adoptive parents, prospective adoptive parents and other persons involved in adoption of child. (BDR 11-1186)”.

Assemblyman Koivisto moved that the Assembly concur in the Senate Amendment No. 673 to Assembly Bill No. 336.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 831.

Amend sec. 3, page 3, lines 21 and 22, by deleting:

“and court costs”.

Amend sec. 3, page 3, between lines 41 and 42, by inserting:

“8. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the division or child-

placing agency consents to the adoption of such a child pursuant to this section.”.

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 2001.”.

Assemblywoman Koivisto moved that the Assembly concur in the Senate Amendment No. 831 to Assembly Bill No. 336.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 214.

The following Senate amendment was read:

Amendment No. 758.

Amend sec 5.1, pages 6 and 7, by deleting lines 12 through 49 on page 6 and lines 1 through 44 on page 7, and inserting:

“Sec. 5.1. 1. *Except as otherwise provided in subsection 8, if the department determines:*

(a) That at least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;

(b) That in the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

2. If the department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

3. If the department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

4. Except as otherwise provided in subsection 8, if the department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

5. In determining whether to require a school to provide for an additional administration of examinations pursuant to this section, the department shall consider:

(a) The effect of each irregularity in testing administration, including, without limitation, whether the irregularity required the scores of pupils to be invalidated; and

(b) Whether sufficient time remains in the school year to provide for an additional administration of examinations.

6. If the department determines pursuant to subsection 5 that a school must provide for an additional administration of examinations, the department may consider whether the most recent irregularity in testing administration affected the test scores of a limited number of pupils and require the school to provide an additional administration of examinations pursuant to this section only to those pupils whose test scores were affected by the most recent irregularity.

7. The department shall provide as many notices pursuant to this section during 1 school year as are applicable to the irregularities occurring at a school. A school shall provide for additional administrations of examinations pursuant to this section within 1 school year as applicable to the irregularities occurring at the school.

8. If a school is required to provide an additional administration of examinations pursuant to subsection 2 of NRS 385.368 for a school year, the school is not required to provide for an additional administration pursuant to subsection 1 or 4 in that school year. The department shall ensure that the information required pursuant to paragraph (b) of subsection 3 of section 5.9 of this act is included in its report for the additional administration provided by such a school pursuant to subsection 2 of NRS 385.368.”.

Amend sec. 5.5, page 8, by deleting lines 20 through 35 and inserting: “examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination. The program must:

(a) Be designed to ensure the consistency and uniformity of all materials and other information used in the preparation for the examinations; and

(b) Be designed to ensure that the actual examinations administered pursuant to NRS 389.015 are not included within the materials and other information used for preparation.

2. If a school, including, without limitation, a charter school, or a school district provides preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination, the school or school district shall comply with the program established pursuant to subsection 1. A school district may use and provide additional materials and information if the materials and information comply with the program established by the department. A school, including, without limitation, a charter school, shall use only those materials and information that have been approved or provided by the department or the school district.”.

Amend sec. 5.7, page 8, line 38, after “389.550.” by inserting: “Upon approval of the department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the department.”.

Amend sec. 5.7, page 8, by deleting line 46 and inserting: “basis, the program of education and training established by the department or the expanded program, if applicable; and”.

Amend sec. 5.9, page 9, by deleting lines 38 and 39.

Amend sec. 5.9, page 9, line 40, by deleting “(II)” and inserting “(I)”.

Amend sec. 5.9, page 9, line 42, by deleting “(III)” and inserting “(II)”.

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 214.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblyman Anderson to the Select Committee on Health and Legal Issues.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 47, 105, 128, 154, 173, 210, 243, 277, 279, 345, 363, 364, 375, 415, 433, 458, 537, 571, 629, 639; Assembly Concurrent Resolution No. 2;

Assembly Joint Resolutions Nos. 7, 12, 13, 26; Assembly Joint Resolution No. 13 of the 70th Session; Senate Bills Nos. 2, 34, 36, 123, 200, 204, 231, 234, 267, 272, 283, 327, 358, 378, 420, 471, 492, 523, 541, 558, 561.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Judge Stephen George.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Bogatz and Ann Bogatz.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Gemma Thomson, Dana Rosingus, Kim Folcka, Lynne Bonner, Diane Graham, Sue McLaughlin, Candy Burga, Sharla Hales, Dorothy Gadsby, Adam Campbell, Alisa Merino, Alyssa Cofano, Ana Paramo, Ashlee Negrete, Austin Ovard, Blake Beavers, Bridget Maestretti, Eric Erardy, Gemma Thompson, Heather Carpenter, Jamie Greer, Jimmy Gallette, Kamryn Noble, Katelyn Gadsby, Matthew Bonner, Megan McLaughlin, Nick Hales, "Nico" Dominic Barker, Stephanie Burga, Steven Matthews, Tommy Kelly, Trenton Rauber, Wyatt Ziebell, Bryan Vazquez, Wyatt Graham, Chris Folcka and Sarah Morlan.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Jensen Young.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Rebaleati.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa M. Price, Ashley Baldi, Alexandra Steiner and Cherie Price-Steiner.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 24, 2001 at 10:45 a.m.

Motion carried.

Assembly adjourned at 5:39 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 24, 2001

Assembly called to order at 10:53 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Marvin Dennis.

Lord, we realize many times the success of our future is related to how we communicate with You, our Creator and Lord. So, I pray that You will inspire each of us in our private prayers to include what we understand as "The Lord's Prayer": Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power and the glory, forever.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 286, 551, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Health and Legal Issues, to which was referred Assembly Bill No. 667, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 237, 289, 291, 609, 659, 662.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 180, Amendment No. 659; Assembly Bill No. 501, Amendment No. 761, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 402, 478, 570.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 24, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 49.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Neighbors moved that Senate Bill No. 395 be taken from the Chief Clerk's desk and placed on the General File.

Assemblyman Neighbors withdrew the motion that Senate Bill No. 395 be taken from the Chief Clerk's desk and placed on the General File.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 35—Providing for the compensation of the clergy for services rendered to the Assembly and the Senate during the 71st session of the Nevada Legislature.

WHEREAS, The members of the 71st session of the Nevada Legislature have been sincerely appreciative of the daily religious services rendered by members of the clergy representing various denominations; and

WHEREAS, The invocations offered by the clergy provided inspiration and guidance for the members of the Nevada Legislature as they faced the challenges and demands of the 71st session; and

WHEREAS, A reasonable compensation should be provided for the clergy who performed such services; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State Controller is authorized and directed to pay the sum of \$35 per service out of the legislative fund to the members of the clergy who have performed religious services for the Assembly and the Senate during the 71st session of the Nevada Legislature.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 49.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted unanimously.

Assemblywoman Buckley moved that Assembly Bill No. 667; Assembly Joint Resolution No. 9; Senate Bills Nos. 265, 286, 352, 377, 551, 553; Assembly Bill No. 454 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 554 be placed on the General File.

Motion carried.

Assemblywoman Buckley moved that the reading of histories on all Bills and Resolutions on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 257 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 460 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 122 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 319 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 402.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 478.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 570.

Assemblywoman Buckley moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 9.

Bill read second time and ordered to third reading.

Assembly Bill No. 667.

Bill read second time.

The following amendment was proposed by the Select Committee on Health and Legal Issues:

Amendment No. 1000.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

"1. Except as otherwise provided in subsection 2, a cause of action:

(a) Against a manufacturer of:

(1) Silicone manufactured for injection into the body; or

(2) Breast implants containing silicone gel;

(b) Based upon personal injury or death caused by the effects of silicone injected or implanted into the body; and

(c) That was barred as of July 1, 2001, solely because the applicable period of limitation expired, is hereby revived, and an action thereon may be commenced not later than July 1, 2002. A court".

Amend section 1, page 1, line 10, by deleting "2003." and inserting "2002.".

Amend the title of the bill, second line, by deleting "gel injected" and inserting: "injected or implanted".

Amend the summary of the bill to read as follows:

“SUMMARY—Revives for limited time certain causes of action based on effects of silicone injected or implanted into body. (BDR 2-1559)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 918.

Amend section 1, page 1, line 12, by deleting:

“the city or county and”.

Amend section 1, page 1, line 13, by deleting *“structure.”* and inserting:

“structure and which is approved by the city or county as an appropriate site for the structure.”.

Amend section 1, page 1, line 15, by deleting *“routinely maintaining”* and inserting:

“engaging in routine maintenance of”.

Amend section 1, page 1, line 21, by deleting *“allow or”.*

Amend section 1, page 2, by deleting lines 3 and 4 and inserting:

“4. The requirements of subsection 1 do not apply to a nonconforming outdoor advertising structure that is:

(a) Required to be removed as a result of the”.

Amend section 1, page 2, line 8, by deleting *“lease.”* and inserting:
“lease; or

(b) Destroyed or damaged in excess of 50 percent of its material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm and snowstorm.”.

Amend section 1, page 2, line 10, after *“development”* by inserting *“or redevelopment”.*

Amend section 1, page 2, line 14, after *“heard.”* by inserting: *“The requirements of subsection 1 do not apply if, after the public hearing required by this subsection, a city or county requires the removal of the nonconforming outdoor advertising structure.”.*

Amend section 1, page 2, line 32, by deleting *“allowed or”.*

Amend section 1, page 2, line 38, after *“(c)”* by inserting: *““Material structural value” means the cost of labor and materials necessary to erect an outdoor advertising structure. The term does not include any revenue or expenses related to the lease of real property upon which the outdoor advertising structure is located.*

(d)”.

Amend section 1, page 2, by deleting lines 45 through 49 and inserting:

“permit, variance, waiver, condition of zoning or other approval for the use of land if, when the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was first approved, the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was limited by a specific condition which allowed or required the governing body of the city or county to conduct a review of the structure.”.

Amend section 1, page 3, line 1, by deleting “(d)” and inserting “(e)”.

Amend section 1, page 3, between lines 5 and 6, by inserting:

“(f) ‘‘Routine maintenance’’ means normal repair and upkeep of the structural integrity and appearance of a nonconforming outdoor advertising structure. The term does not include any increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the structure or increases the impact on the use of the land in the area around the structure.”.

Amend the title of the bill, second line, after “certain” by inserting: “nonconforming outdoor advertising”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires city or county to pay just compensation or authorize alternative location for certain nonconforming outdoor advertising structures under certain circumstances. (BDR 22-156)”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 893.

Amend the bill as a whole by deleting sections 3 through 15 and renumbering sections 16 through 23 as sections 3 through 10.

Amend sec. 16, page 10, line 2, by deleting: “17 to 22,” and inserting: “4 to 9,”.

Amend sec. 17, page 10, line 3, by deleting: “17 to 22,” and inserting: “4 to 9,”.

Amend sec. 23, page 13, by deleting lines 9 through 12 and inserting:

“Sec. 10. NRS 176.0121, 176.0123, 176.0125 and 176.0127 are hereby repealed.”.

Amend the bill as a whole by deleting sections 24 and 25 and renumbering sec. 26 as sec. 11.

Amend the leadlines of repealed sections by deleting the leadlines of NRS 179D.700, 205A.010, 205A.020, 205A.030, 205A.040, 205A.050, 205A.060,

205A.070, 205A.080, 205A.090, 205A.100, 209.015, 209.4813 and 209.4814.

Amend the title of the bill by deleting the second through fourth lines and inserting:

“justice; eliminating the advisory commission on sentencing and”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 962.

Amend section 1, page 1, by deleting line 9 and inserting:

“(a) Private homes ~~[]~~, *unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;*”.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 446.030 is hereby amended to read as follows:

446.030 1. “Food handler” means any person employed in or operating a food establishment, whether *that person is an employer, employee or* ~~[independent individual]~~ *other natural person*, who handles, stores, transports, prepares, manufactures, serves or sells food, or who comes in contact with eating or cooking utensils or other equipment used in the handling, preparation, manufacture, service ~~[]~~ or sale of food.

2. *The term does not include a person who only handles, stores, transports, sells or otherwise comes in contact with food that is permanently sealed or packaged for sale directly to the consumer and who, if the food is potentially hazardous food, handles the food only occasionally or incidentally outside the normal and usual course and scope of his responsibilities or employment.*

3. *As used in this section, “potentially hazardous food” has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the Food Code published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the administrator of the health division of the department of human resources has adopted a later edition of the Food Code for this purpose.*

Sec. 3. NRS 446.870 is hereby amended to read as follows:

446.870 1. Except as otherwise provided in ~~[subsection 2.]~~ *this section*, it is unlawful for any person to operate a food establishment unless he possesses a valid permit issued to him by the health authority.

2. The health authority may exempt a food establishment from the provisions of this chapter if the health authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.

3. *Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this chapter, unless it is given to a food establishment.*

4. *Except as otherwise provided in subsection 5, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him by the health authority for that purpose.*

5. *A religious, charitable or other nonprofit organization may, without possessing a permit from the health authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the health authority is required unless an exemption is granted pursuant to subsection 2.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to food establishments; excluding certain persons under certain circumstances from regulation as food handlers; clarifying that food prepared in a private home and given away at no charge is not subject to regulation as a food establishment under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions regarding regulation of food establishments. (BDR 40-1489)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 377.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 970.

Amend section 1, page 1, by deleting line 15 and inserting: “*fiscal year; or*”.

Amend section 1, page 2, line 14, after “3.” by inserting: “*The money transferred to the division of health care financing and policy pursuant to subsection 1 must not come from any source of funding that could result in any reduction in revenue to the state pursuant to 42 U.S.C. § 1396b(w).*

4.”.

Amend section 1, page 2, line 19, by deleting "4." and inserting "[4.] 5."

Amend sec. 3, page 3, by deleting lines 16 through 19 and inserting:

"(c) For a payment to each private hospital:

(1) Which provides acute care and is located in a county that has a public hospital; and

(2) Whose Medicaid utilization percentage is greater than 20 percent, in an amount of not less than \$150 for each Medicaid".

Amend sec. 3, page 3, line 36, after "(a)" by inserting: *"Medicaid day" means a day in which medical care is provided to a Medicaid patient, including a patient who receives his Medicaid benefits through a health maintenance organization.*

(b)".

Amend sec. 3, page 3, by deleting lines 40 through 45.

Amend sec. 4, page 4, line 5, after "(2)" by inserting: "Any private hospital in a county whose population is 50,000 or more but less than 100,000 that is qualified to receive a payment pursuant to paragraph (b) of subsection 2 of NRS 422.387, \$4,000,000 or the amount of the uncompensated costs of the hospital as defined in the state plan for Medicaid, whichever is less, for the fiscal year 2001-2002 and for the fiscal year 2002-2003.

(3)".

Amend sec. 4, page 4, line 6, by deleting "100,000" and inserting "50,000".

Amend sec. 4, page 4, line 11, by deleting "(3)" and inserting "(4)".

Amend sec. 4, page 4, line 24, by deleting "\$1,500,000" and inserting "\$3,000,000".

Amend sec. 4, page 4, line 28, by deleting "\$750,000" and inserting "\$1,500,000".

Amend sec. 4, page 4, between lines 30 and 31, by inserting:

"(4) If the payment was received pursuant to subparagraph (4) of that paragraph, \$750,000 or 75 percent of the amount received by the hospital, whichever is less, for the fiscal year 2001-2002 and for the fiscal year 2002-2003."

Amend the bill as a whole by renumbering sections 5 through 7 as sections 6 through 8 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. 1. The board of county commissioners of a county within which is located only one private hospital or one group of affiliated hospitals and which makes a transfer of money pursuant to paragraph (b) of subsection 1 of NRS 422.382 may obtain the money for that transfer by imposing a tax on the revenue of those hospitals during the fiscal years 2001-2002 and 2002-2003 at a rate that does not exceed 6 percent of that revenue.

2. The proceeds of the tax imposed pursuant to this section are exempt from the limitations imposed by NRS 354.59811 and must be excluded in determining the allowed revenue from taxes ad valorem for the county."

Amend sec. 5, page 4, line 39, by deleting: “department of human resources” and inserting: “legislative committee on health care”.

Amend sec. 5, page 5, line 30, by deleting: “department of human resources” and inserting: “legislative committee on health care”.

Amend sec. 5, page 5, lines 33 and 34, by deleting “department” and inserting “committee”.

Amend sec. 5, page 5, by deleting lines 36 through 39.

Amend the title of the bill by deleting the fourth line and inserting: “for the treatment of those patients; authorizing the imposition in certain counties of a temporary tax on the revenue of hospitals; requiring the legislative committee on health care”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 551.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 897.

Amend section 1, pages 1 and 2, by deleting lines 3 through 12 on page 1 and lines 1 through 3 on page 2.

Amend section 1, page 2, line 4, by deleting “2.” and inserting “1.”.

Amend section 1, page 2, line 5, by deleting “*subsection 1*” and inserting: “*18 U.S.C. § 2703, as that section existed on the effective date of this act,*”.

Amend section 1, page 2, line 7, by deleting “3.” and inserting “2.”.

Amend section 1, page 2, by deleting lines 13 through 21 and inserting: “*cause to believe that an individual subscriber or customer of a provider of Internet service has committed an offense through the use of the services of the provider of Internet service that is punishable as a felony, issue a subpoena to carry out the procedure set forth in 18 U.S.C. § 2703, as that section existed on the effective date of this act, to compel the provider of Internet service to provide information concerning the individual subscriber or customer that the provider of Internet service is required to disclose pursuant to 18 U.S.C. § 2703, as that section existed on the effective date of this act.*”

3. *If a person who has been issued a subpoena pursuant to subsection 2 refuses to produce any information that the subpoena requires, the person who issued the subpoena may apply to the district court for the judicial district in which the investigation is being carried out for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.*

4. *As used in this section, "provider of Internet service" has the meaning ascribed to it in NRS 205.4758, but does not include a public library when it is engaged in providing access to the Internet."*

Amend sec. 4, page 4, by deleting lines 27 and 28 and inserting:
"with or attempt to contact or communicate with a child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from".

Amend sec. 5, page 5, line 30, by deleting "21" and inserting "18".

Amend the bill as a whole by renumbering sections 28 and 29 as sections 29 and 30 and adding a new section designated sec. 28, following sec. 27, to read as follows:

"Sec. 28. Section 2 of Assembly Bill No. 400 of this session is hereby amended to read as follows:

Sec. 2. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed, commits the crime of stalking. Except where the provisions of subsection 2 or 3 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For any subsequent offense, is guilty of a gross misdemeanor.

2. A person who {:

~~(a) Commits}~~ commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm {:

~~(b) Commits the crime of stalking on his spouse while a proceeding for the dissolution of their marriage is pending for which he has actual or legal notice or within 6 months after entry of the final decree of dissolution; or~~

~~(c) Commits the crime of stalking on a person with whom he has a child in common while a proceeding for the custody of that child is pending for which he has actual or legal notice,}~~ commits the crime of aggravated stalking.

~~{3. A person who commits the crime of stalking with the use of an Internet or network site or electronic mail or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.~~

~~4.}~~ A person who commits the crime of aggravated stalking shall be punished {:

~~(a) If he commits the crime set forth in paragraph (a) of subsection 2,}~~ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.

~~[(b) If he commits the crime set forth in paragraph (b) or (c) of subsection 2:~~

~~(1) For the first offense, for a gross misdemeanor.~~

~~(2) For the second and any subsequent offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.~~

~~5.] 3. A person who commits the crime of stalking with the use of an Internet or network site or electronic mail or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.~~

4. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

~~{6.}~~ 5. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~{7.}~~ 6. As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) "Internet or network site" means any identifiable site on the Internet or on a network. The term includes, without limitation:

(1) A website or other similar site on the World Wide Web;

(2) A site that is identifiable through a Uniform Resource Location;

(3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service;

(4) An electronic bulletin board;

(5) A list server;

(6) A newsgroup; or

(7) A chat room.

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

(d) "Provider of Internet service" has the meaning ascribed to it in NRS 205.4748.

(e) "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper,

periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.”.

Amend the title of the bill by deleting the first through fifth lines and inserting:

“AN ACT relating to crimes; requiring a provider of Internet service to provide access to certain information; authorizing certain persons to issue subpoenas to obtain such information; establishing a penalty for committing the crime of stalking with the use of the Internet or electronic mail; prohibiting the use or attempted use of a computer, network or system to lure children under certain circumstances and providing”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 553.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 917.

Amend sec. 10, page 2, line 45, after “inclusive,” by inserting: “and sections 2 and 3 of *Senate Bill No. 123 of this ~~act~~ session*,”.

Amend sec. 11, page 3, line 16, by deleting “and contemplated”.

Amend sec. 11, page 3, lines 17 and 18, by deleting “and contemplated”.

Amend sec. 11, page 3, line 20, after “(b)” by inserting: “A complete statement, in the detail and form established by the committee on local government finance, of general obligation debt and special elective taxes contemplated to be submitted to the commission during the fiscal year.

(c)”.

Amend sec. 11, page 3, lines 27 and 28, by deleting “ad valorem” and inserting “property”.

Amend sec. 11, page 3, lines 30 and 31, by deleting “ad valorem” and inserting “property”.

Amend sec. 11, page 3, line 40, by deleting “(c),” and inserting “(d),”.

Amend sec. 11, page 3, line 41, after “the” by inserting “property”.

Amend sec. 11, page 3, line 42, by deleting “(c)” and inserting “(d)”.

Amend sec. 11, page 3, line 43, by deleting “[3] 5” and inserting “5”.

Amend sec. 11, page 4, line 1, by deleting “(d)” and inserting “(e)”.

Amend sec. 11, page 4, line 7, by deleting “The” and inserting: “Except as otherwise provided in subsection 4, the”.

Amend sec. 11, page 4, line 8, by deleting “annually.” and inserting:

“once each fiscal year.”.

Amend sec. 11, page 4, line 9, after “4” by inserting: “In a county whose population is 100,000 or more, the governing body of each municipality shall update all statements and plans required by subsection 1 not less often than once each fiscal year and not more often than twice each fiscal year, except that a municipality may update a statement or plan required by subsection 1 more often than twice each fiscal year:

(a) If the governing body determines, by a two-thirds vote, that an emergency requires that a statement or plan be updated;

(b) To include an item related to:

(1) An installment purchase that does not count against a debt limit; or

(2) An obligation for which no additional property tax is expected;

(c) To update the purpose of a special elective tax without changing the rate of the special elective tax; or

(d) To comply with the requirements of subsection 5 of NRS 268.625 or subsection 1 of NRS 350.091.

5.”.

Amend sec. 12, page 4, line 44, by deleting “or”.

Amend sec. 12, page 4, line 46, by deleting “ad valorem” and inserting “property”.

Amend sec. 12, page 5, lines 3 and 5, by deleting “ad valorem” and inserting “property”.

Amend sec. 12, page 5, line 11, after “agreement” by inserting: “which complies with NRS 361.457 and which is”.

Amend sec. 12, page 5, by deleting lines 14 through 18 and inserting: “*the statutory limitation or unless the commission adopts a plan that is approved by the executive director of the department of taxation pursuant to which the combined property tax rate will be in compliance with the statutory limitation; or*

(c) If, based upon the factors listed in subparagraphs (1) to (4), inclusive, of paragraph (b), the proposal will affect the ability of an affected governmental entity to levy the maximum amount of property taxes that it may levy pursuant to NRS 354.59811, unless:

(1) The proposal includes a resolution approving the proposal pursuant to subsection 3 of section 3 of *Senate Bill No. 123 of this ~~act~~ session* from each affected governmental entity whose ability to levy property taxes will be affected by the commission’s approval of the proposal; or

(2) The commission has resolved all conflicts between the municipality and all affected governmental entities and has approved the increase in property taxes resulting from the proposal pursuant to section 3 of *Senate Bill No. 123 of this ~~act~~ session*.

5. Except as otherwise provided in subsection 6, if general obligation debt is to be incurred more than 36 months”.

Amend sec. 12, page 5, between lines 44 and 45, by inserting:

"6. The executive director of the department of taxation may not approve a proposal pursuant to subsection 5 which, based upon the factors listed in subparagraphs (1) to (4), inclusive, of paragraph (b) of subsection 4, will affect the ability of an affected governmental entity to levy the maximum amount of property taxes that it may levy pursuant to NRS 354.59811, unless:

(a) The proposal includes a resolution approving the proposal pursuant to subsection 3 of section 3 of *Senate Bill No. 123 of this [act] session* from each affected governmental entity whose ability to levy property taxes will be affected by the commission's approval of the proposal; or

(b) The commission has resolved all conflicts between the municipality and all affected governmental entities and has approved the increase in property taxes resulting from the proposal pursuant to section 3 of *Senate Bill No. 123 of this [act] session*."

Amend sec. 12, page 5, line 45, by deleting "~~6~~" and inserting "7. [".

Amend sec. 12, page 5, line 47, by deleting "~~commission~~" and inserting "~~commission~~".

Amend sec. 12, page 5, after line 47 by inserting:

"~~8~~ As used in this section, "affected governmental entity" has the meaning ascribed to it in subsection 9 of section 3 of *Senate Bill No. 123 of this [act] session*."

Amend sec. 13, page 6, line 31, after "3." by inserting: "If the proposal is from a municipality, the commission may not approve any portion of the proposal that is not included in the statement filed pursuant to paragraph (b) of subsection 1 of NRS 350.0035, as updated pursuant to subsection 3 or 4 of NRS 350.0035.

4."

Amend sec. 14, page 6, line 36, by deleting "approve" and inserting: "approve, conditionally or provisionally approve,".

Amend sec. 14, page 6, line 39, by deleting "(d)," and inserting: "(d) and section 3 of *Senate Bill No. 123 of this [act] session*,".

Amend sec. 14, page 7, lines 12 and 13, by deleting "90 percent" and inserting: "the specified percentage, pursuant to subsection 1 of section 2 of *Senate Bill No. 123 of this [act] session*,".

Amend sec. 14, page 7, line 15, by deleting "levy;" and inserting: "levy in accordance with the priorities established pursuant to subsection 2 of section 2 of *Senate Bill No. 123 of this [act] session*;".

Amend sec. 14, page 7, line 18, by deleting "paragraph (a)" and inserting: "paragraphs (a) and (b)".

Amend sec. 23, page 13, line 21, by deleting "~~[]~~".

Amend sec. 23, page 13, line 29, after "article;" by inserting "or".

Amend sec. 23, page 13, by deleting lines 30 through 38.

Amend sec. 23, page 13, line 39, by deleting "~~(b)~~" and inserting "(b)".

Amend sec. 23, page 14, line 31, by deleting "~~for~~".

Amend sec. 23, page 14, by deleting lines 34 and 35 and inserting: “in proceeds; or

(n) A transfer by a government or governmental unit.”.

Amend sec. 37, page 18, line 24, after “543.600,” by inserting: “and section 4 of *Senate Bill No. 203 of this [act,] session*,”.

Amend sec. 39, page 20, line 13, after “(a)” by inserting: ““Building permit” means the official document or certificate issued by the building officer of a local government which authorizes the construction of a structure.

(b)”.

Amend sec. 39, page 20, by deleting lines 15 through 17.

Amend sec. 39, page 20, between lines 24 and 25, by inserting:

“(d) “Current asset” means any cash maintained in an enterprise fund and any interest or other income earned on the money in the enterprise fund that, at the end of the current fiscal year, is anticipated by a local government to be consumed or converted into cash during the next ensuing fiscal year.

(e) “Current liability” means any debt incurred by a local government to provide the services associated with issuing building permits that, at the end of the current fiscal year, is determined by the local government to require payment within the next ensuing fiscal year.

(f) “Operating cost” means the amount paid by a local government for supplies, services, salaries, wages and employee benefits to provide the services associated with issuing building permits.

(g) “Working capital” means the excess of current assets over current liabilities, as determined by the local government at the end of the current fiscal year.”.

Amend sec. 39, page 20, lines 46 and 47, by deleting: “fees for building permits;” and inserting: “building permit fees;”.

Amend sec. 39, page 20, line 49, by deleting “and”.

Amend sec. 39, page 21, line 1, after “(c)” by inserting: “Except as otherwise provided in subsection 5, the local government maintains a balance of unreserved working capital in the enterprise fund that does not exceed an amount equal to 9 months’ operating costs for the program for the issuance of building permits of the local government; and

(d)”.

Amend sec. 39, page 21, between lines 8 and 9, by inserting:

“5. In addition to the balance of unreserved working capital authorized pursuant to subsection 4, the local government may maintain in an enterprise fund created pursuant to this section an amount of working capital for the following purposes:

(a) An amount sufficient to pay the debt service for 1 year on any debt incurred by the local government to provide the services associated with issuing building permits;

(b) An amount that does not exceed the total amount of expenditures for the program for the issuance of building permits of the local government set forth in the capital improvement plan of the local government prepared pursuant to NRS 354.5945 for the current fiscal year; and

(c) An amount that does not exceed 4 percent of the annual operating costs of the program for the issuance of building permits of the local government which must be used to pay for unanticipated capital replacement.

6. Any amount in an enterprise fund created pursuant to this section that is designated for special use, including, without limitation, prepaid fees and any other amount subject to a contractual agreement, must be identified as a restricted asset and must not be included as a current asset in the calculation of working capital.

7. If a balance in excess of the amount authorized pursuant to subsections 4 and 5 is maintained in an enterprise fund created pursuant to this section at the close of 2 consecutive fiscal years, the local government shall reduce the building permit fees it charges by an amount that is sufficient to ensure that the balance in the enterprise fund at the close of the fiscal year next following those 2 consecutive fiscal years does not exceed the amount authorized pursuant to subsections 4 and 5.”.

Amend sec. 45, page 25, line 16, by deleting: “section and in” and inserting “section,”.

Amend sec. 45, page 25, line 17, by deleting “354.750,” and inserting: “354.750 and section 1 of *Assembly Bill No. 96 of this act, session*,”.

Amend sec. 45, page 25, line 41, after “(g)” by inserting: “Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions or insured savings and loan associations, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a “county treasurer” or “board of county commissioners” shall be deemed to refer to the appropriate financial officer or governing body of the county, school district or city purchasing the certificates.

(h)”.

Amend sec. 45, page 25, line 45, by deleting “(h)” and inserting “(i)”.

Amend sec. 45, page 26, line 3, by deleting “(i)” and inserting “(j)”.

Amend sec. 45, page 26, line 8, by deleting “(j)” and inserting “(k)”.

Amend sec. 45, page 26, line 21, by deleting “(k)” and inserting “(l)”.

Amend sec. 45, page 26, by deleting lines 25 through 27 and inserting:

“(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as “A-1,” “P-1” or its

equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-subparagraphs (I) and (II).”.

Amend the bill as a whole by adding a new section designated sec. 59.5, following sec. 59, to read as follows:

“Sec. 59.5. A board of trustees of a county school district that issues general obligations on or after the effective date of this act for purchases of necessary furniture and equipment for schools pursuant to paragraph (e) of subsection 1 of NRS 387.335, as amended by section 48 of this act, shall submit to the director of the legislative counsel bureau for transmission to the legislative commission on or before February 1, 2003, a report which itemizes those purchases made through December 31, 2002.”.

Amend sec. 60, page 37, by deleting lines 25 through 30 and inserting:

“Sec. 60. 1. This section, sections 48 and 59.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 36, inclusive, 38, 40 to 43, inclusive, 46, 47 and 49 to 59, inclusive, of this act become effective on July 1, 2001.

3. Sections 37, 39, 44 and 45 of this act become effective at 12:01 a.m. on July 1, 2001.

4. Section 23 of this act becomes effective at 12:02 a.m. on July 1, 2001.

5. Section 48 of this act expires by limitation on July 1, 2003.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 454.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1002.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Board of Regents of the University of Nevada shall appoint a committee to conduct a study of the organizational structure of any community college within the University and Community College System of Nevada that has an enrollment of more than 20,000 students.

2. The committee appointed pursuant to subsection 1 must consist of members of the Board of Regents, members of each community in which the campus of each such community college is located, and any other persons deemed appropriate for membership by the Board of Regents.

3. The committee shall:

(a) Review the administrative structure of each such community college; and

(b) Determine whether the administrative structure allows each campus of the community college to operate at maximum effectiveness and whether the needs of each campus for executive leadership are being met.

4. The Board of Regents shall, not later than January 1, 2003, submit a report of the findings of the committee, including any recommended legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 72nd session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the University and Community College System of Nevada; requiring the Board of Regents of the University of Nevada to appoint a committee to study the organizational structure of certain community colleges; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Board of Regents of University of Nevada to appoint committee to study organizational structure of certain community colleges. (BDR S-69)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hettrick, Lee, Cegavske, Gibbons, Brower, Anderson, Angle, Arberry, Beers, Brown, Buckley, Carpenter, Collins, Dini, Freeman, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Leslie, Manendo, Marvel, McClain, Nolan, Parnell, Perkins, Smith, Tiffany and Von Tobel (emergency request of Hettrick):

Assembly Bill No. 668—AN ACT relating to taxation; limiting the annual increase in the taxable value of certain property for the assessment of property taxes in cases of severe economic hardship; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 235:

YEAS—42.

NAYS—None.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 273.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 273:

YEAS—42.

NAYS—None.

Assembly Bill No. 273 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 297:

YEAS—42.

NAYS—None.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Roll call on Assembly Bill No. 448:

YEAS—42.

NAYS—None.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 83.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 83:

YEAS—42.

NAYS—None.

Senate Bill No. 83 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Senate Bill No. 112:

YEAS—42.

NAYS—None.

Senate Bill No. 112 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 113.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 113:

YEAS—42.

NAYS—None.

Senate Bill No. 113 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 115.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 115:

YEAS—42.

NAYS—None.

Senate Bill No. 115 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 116.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 116:

YEAS—42.

NAYS—None.

Senate Bill No. 116 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 122 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 171.

Bill read third time.

Remarks by Assemblymen Manendo, Anderson, Collins and Gibbons.

Roll call on Senate Bill No. 171:

YEAS—36.

NAYS—Anderson, Freeman, Koivisto, McClain, Ocegüera—5.

NOT VOTING—Brower.

Senate Bill No. 171 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 2:00 p.m.
Motion carried.

Assembly in recess at 12:00 p.m.

ASSEMBLY IN SESSION

At 2:45 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that all rules be suspended and that Assembly Bill No. 667 be declared an emergency measure under the Constitution and placed at the top of third reading and final passage.

Motion carried unanimously.

Assemblywoman Koivisto moved that upon return from the printer Senate Bill No. 377 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Koivisto.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 133, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 516 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Buckley moved that Senate Bills Nos. 99, 133 be placed on the Second Reading File.

Motion carried.

Assemblyman Dini moved that Senate Bill No. 65 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Dini.

Motion carried.

Assemblyman Anderson moved that the action whereby Senate Bill No. 516 was placed on the Chief Clerk's desk be rescinded.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 261 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 125 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 36—Directing the Legislative Commission to conduct an interim study of the Public Employees' Benefits Program.

Assemblyman Bache moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 99.

Bill read second time.

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

Amendment No. 996.

Amend sec. 1.5, page 2, by deleting lines 36 and 37 and inserting:

"6. An administrator shall not require a provider of health care to waive the payment of interest provided for in this section for the late payment of an approved claim."

Amend sec. 3, page 3, by deleting lines 38 and 39 and inserting:

"6. An insurer shall not require a provider of health care to waive the payment of interest provided for in this section for the late payment of an approved claim."

Amend sec. 5, page 4, by deleting lines 42 and 43 and inserting:

"6. An insurer shall not require a provider of health care to waive the payment of interest provided for in this section for the late payment of an approved claim."

Amend sec. 7, page 5, by deleting lines 48 and 49 and inserting:

"6. A carrier shall not require a provider of health care to waive the payment of interest provided for in this section for the late payment of an approved claim."

Amend sec. 10, page 7, by deleting lines 10 and 11 and inserting:

“6. A corporation shall not require a provider of health care to waive the payment of interest provided for in this section for the late payment of an approved claim.”.

Amend the bill as a whole by renumbering sec. 11 as sec. 11.3, and adding a new section designated sec. 11, following sec. 10, to read as follows:

“Sec. 11. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 11.3 and 11.7 of this act.”.

Amend sec. 11, page 7, by deleting lines 21 through 23 and inserting:

“Sec. 11.3. 1. A health maintenance organization shall not:”.

Amend sec. 11, page 7, line 33, by deleting:
“the effective date of this act” and inserting:
“October 1, 2001.”.

Amend the bill as a whole by adding a new section designated sec. 11.7, following sec. 11, to read as follows:

“Sec. 11.7. Any contract or other agreement entered into or renewed by a health maintenance organization on or after October 1, 2001:

1. To provide health care services through managed care to recipients of Medicaid under the state plan for Medicaid; or

2. With the division of health care financing and policy of the department of human resources to provide insurance pursuant to the children’s health insurance program,

must require the health maintenance organization to pay interest to a provider of health care services on a claim that is not paid within the time provided in the contract or agreement at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid. ”.

Amend sec. 12, page 8, by deleting lines 4 and 5 and inserting:

“4. The provisions of NRS 695C.110, 695C.170 to 695C.200, inclusive, ~~and~~ sections 19 and 20 of ~~this act,~~ Senate Bill No. 2 of this session, section 11.3 of this act and NRS 695C.250 and 695C.265 do not apply to”.

Amend sec. 15, page 9, by deleting lines 20 and 21 and inserting:

“6. A health maintenance organization shall not require a provider of health care services to waive the payment of interest provided for in this section for the late payment of an approved claim.”.

Amend sec. 18, page 10, by deleting lines 44 and 45 and inserting:

“6. An insurer shall not require a provider of health care to waive the payment of interest provided for in this section for the late payment of an approved claim.”.

Amend sec. 20, page 11, by deleting lines 43 through 45 and inserting:

“2. ~~HF~~ Except as otherwise provided in this subsection, if an insurer unreasonably delays or refuses to pay the claim within 30 days after the insurer has been notified of”.

Amend sec. 20, page 12, line 2, after “NRS.” by inserting: “*The provisions of this section do not apply to the payment of a bill for accident benefits that is governed by the provisions of section 18 of this act.*”.

Amend the bill as a whole by renumbering sec. 22 as sec. 24 and adding new sections designated sections 22 and 23, following sec. 21, to read as follows:

“Sec. 22. NRS 616C.220 is hereby amended to read as follows:

616C.220 1. The division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers, to administer claims against the uninsured employers’ claim fund. The designation must be made pursuant to reasonable competitive bidding procedures established by the administrator.

2. An employee may receive compensation from the uninsured employers’ claim fund if:

(a) He was hired in this state or he is regularly employed in this state;

(b) He suffers an accident or injury ~~[in this state]~~ which arises out of and in the course of his employment;

(c) He files a claim for compensation with the division; and

(d) He makes an irrevocable assignment to the division of a right to be subrogated to the rights of the injured employee pursuant to NRS 616C.215.

3. If the division receives a claim pursuant to subsection 2, the division shall immediately notify the employer of the claim.

4. For the purposes of this section, the employer has the burden of proving that he provided mandatory industrial insurance coverage for the employee or that he was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of chapters 616A to 616D, inclusive, of NRS is liable for all payments made on his behalf, including any benefits, administrative costs or attorney’s fees paid from the uninsured employers’ claim fund or incurred by the division.

6. The division:

(a) May recover from the employer the payments made by the division that are described in subsection 5 and any accrued interest by bringing a civil action in district court.

(b) In any civil action brought against the employer, is not required to prove that negligent conduct by the employer was the cause of the employee’s injury.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The division shall:

(a) Determine whether the employer was insured within 30 days after receiving notice of the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or compensation to the injured employee and that such amounts are justified by the circumstances of the claim, the division shall authorize payment from the uninsured employers' claim fund.

9. Any party aggrieved by a determination regarding the administration of an assigned claim or a determination made by the division or by the designated third-party administrator or insurer regarding any claim made pursuant to this section may appeal that determination within 60 days after the determination is rendered to the hearings division of the department of administration in the manner provided by NRS 616C.305 and 616C.315 to 616C.385, inclusive.

10. All insurers shall bear a proportionate amount of a claim made pursuant to chapters 616A to 616D, inclusive, of NRS, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

11. An uninsured employer is liable for the interest on any amount paid on his claims from the uninsured employers' claim fund. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the fund until payment is received by the division from the employer.

12. Attorney's fees recoverable by the division pursuant to this section must be:

(a) If a private attorney is retained by the division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the division, paid at the rate established by regulations adopted by the division. Any money collected must be deposited to the uninsured employers' claim fund.

13. In addition to any other liabilities provided for in this section, the administrator may impose an administrative fine of not more than \$10,000

against an employer if the employer fails to provide mandatory coverage required by the provisions of chapters 616A to 616D, inclusive, of NRS.

Sec. 23. NRS 617.401 is hereby amended to read as follows:

617.401 1. The division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers, to administer claims against the uninsured employers' claim fund. The designation must be made pursuant to reasonable competitive bidding procedures established by the administrator.

2. An employee may receive compensation from the uninsured employers' claim fund if:

(a) He was hired in this state or he is regularly employed in this state;

(b) He contracts an occupational disease ~~as a result of work performed in this state;~~ *that arose out of and in the course of employment;*

(c) He files a claim for compensation with the division; and

(d) He makes an irrevocable assignment to the division of a right to be subrogated to the rights of the employee pursuant to NRS 616C.215.

3. If the division receives a claim pursuant to subsection 2, the division shall immediately notify the employer of the claim.

4. For the purposes of this section, the employer has the burden of proving that he provided mandatory coverage for occupational diseases for the employee or that he was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of this chapter is liable for all payments made on his behalf, including, but not limited to, any benefits, administrative costs or attorney's fees paid from the uninsured employers' claim fund or incurred by the division.

6. The division:

(a) May recover from the employer the payments made by the division that are described in subsection 5 and any accrued interest by bringing a civil action in district court.

(b) In any civil action brought against the employer, is not required to prove that negligent conduct by the employer was the cause of the occupational disease.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The division shall:

(a) Determine whether the employer was insured within 30 days after receiving the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or compensation to the injured employee and that such amounts are justified by the circumstances of the claim, the division shall authorize payment from the uninsured employers' claim fund.

9. Any party aggrieved by a determination regarding the administration of an assigned claim or a determination made by the division or by the designated third-party administrator or insurer regarding any claim made pursuant to this section may appeal that determination within 60 days after the determination is rendered to the hearings division of the department of administration in the manner provided by NRS 616C.305 and 616C.315 to 616C.385, inclusive.

10. All insurers shall bear a proportionate amount of a claim made pursuant to this chapter, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

11. An uninsured employer is liable for the interest on any amount paid on his claims from the uninsured employers' claim fund. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the fund until payment is received by the division from the employer.

12. Attorney's fees recoverable by the division pursuant to this section must be:

(a) If a private attorney is retained by the division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the division, paid at the rate established by regulations adopted by the division. Any money collected must be deposited to the uninsured employers' claim fund.

13. In addition to any other liabilities provided for in this section, the administrator may impose an administrative fine of not more than \$10,000 against an employer if the employer fails to provide mandatory coverage required by the provisions of this chapter.”.

Amend sec. 22, page 12, line 25, by deleting “11” and inserting “11.3”.

Amend sec. 22, page 12, lines 29 and 30 by deleting: “the effective date of this act.” and inserting: “October 1, 2001.”.

Amend the bill as a whole by adding a new section designated sec. 25, following sec. 22, to read as follows:

“Sec. 25. 1. This section, sections 1 to 11.7, inclusive, and 13 to 24, inclusive, of this act become effective on October 1, 2001.

2. Section 12 of this act becomes effective at 12:01 a.m. on October 1, 2001.”.

Amend the title of the bill, seventh line, after “care;” by inserting: “allowing an employee who is injured or who contracts an occupational disease outside this state to receive compensation from the uninsured employers’ claim fund;”.

Amend the summary of the bill to read as follows: “SUMMARY—Makes various changes to provisions governing health insurance. (BDR 57-132)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 133.

Bill read second time.

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

Amendment No. 975.

Amend sec. 3, page 2, line 39, by deleting “*chapter*” and inserting “*section*”.

Amend sec. 4, page 4, line 18, by deleting “*chapter*” and inserting “*section*”.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

“Sec. 4.5. NRS 631.230 is hereby amended to read as follows:

631.230 1. Any person is eligible to ~~take an examination~~ *apply* for a license to practice dentistry in the State of Nevada who:

(a) Is over the age of 21 years;

(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(c) Is a graduate of an accredited dental school or college; and

(d) Is of good moral character.

2. To determine whether a person has good moral character, the board may consider whether a person has good moral character in another state has been suspended or revoked or whether he is currently involved in any disciplinary action concerning his license in that state.”.

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

“Sec. 7.5. NRS 631.290 is hereby amended to read as follows:

631.290 1. Any person is eligible to ~~take an examination~~ *apply* for a license to practice dental hygiene in this state who:

(a) Is of good moral character;

- (b) Is over 18 years of age;
- (c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and
- (d) Is a graduate of an accredited school of dental hygiene.

2. To determine whether a person has good moral character , the board may consider whether his license to practice dental hygiene in another state has been suspended or revoked or whether he is currently involved in any disciplinary action concerning his license in that state.”.

Amend sec. 10, page 7, line 19, by deleting “chapter” and inserting “section”.

Amend sec. 11, page 8, line 49, by deleting “chapter” and inserting “section”.

Amend sec. 12, page 9, line 1, by deleting “7” and inserting “7, 7.5”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 667.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 667:

YEAS—42.

NAYS—None.

Assembly Bill No. 667 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Assemblywoman Koivisto moved that all rules be suspended and that Assembly Bill No. 667 be immediately transmitted to the Senate.

Motion carried unanimously.

Bill ordered transmitted to the Senate.

Senate Bill No. 210.

Bill read third time.

Remarks by Assemblymen Bache and Gustavson.

Roll call on Senate Bill No. 210:

YEAS—39.

NAYS—Angle, Gustavson—2.

NOT VOTING—Carpenter.

Senate Bill No. 210 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Remarks by Assemblymen Gustavson, Gibbons, Anderson, Freeman, Angle and Goldwater.

Conflict of interest declared by Assemblyman Gustavson.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker pro Tempore. Due to any appearance of conflict or anything like that, I am employed by a business that could be affected by this bill and I will not be voting on the bill. Thank you.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker pro Tempore. Perhaps this has been one of the most controversial issues coming before this body, at least for the people who represent Reno and Washoe County. I wanted to assure you that I do rise in support of it and I will share with you some of the reasons why I am doing this, because this is the best way to go. Senate Bill 200, that we passed earlier in this Body, allowed for special obligation bonds or revenue bonds to the City Charter of Reno. Before that time, it was only general obligation bonds, which really made the taxpayer, the citizens of Reno, responsible for any improvements. SB 221 is a bill that will use revenue bonds, backed by the City's taxing power. If they make a finding and it's approved by the Washoe County Debt Management Commission, then they will not need to use any property taxes to pay back the bonds. They will only use the intended funding, which is the room taxes, to pay back the bonding. They also have to publish a notice of that finding in a newspaper. Also, it further protects the public because if no one files a petition within 60 days after the notice is filed, the City could issue general obligation bonds to be secured by both revenues. So, therefore, it would not come out of the citizen taxpayer or property owner. Thank you, Mr. Speaker. I will be supporting this worthy project.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker pro Tempore. I rise in opposition to SB 221. I don't think there will be a more divisive piece of legislation that will hurt the region of Washoe County and division of a regional need. We have a very diverse community. Reno and Sparks are as different as night and day. They have always been and will always be. There are a few projects we have stepped forward. The Reno Sparks Convention Authority has come forward for the last couple of sessions and tried to convince, successfully convincing us, of the need to improve its image, to try to put a new tax structure in place. If SB 221 is passed, the downtown Reno room rate will be higher than 9 out of 10 of our direct market competitors. Only Denver, in fact, will have a higher rate—13.55 percent compared to downtown Reno's 13.5. The only other state or areas that we are in market competition with will take us out. We will have no room to raise new revenue, should Indian gaming produce a new crisis. I believe northern Nevada faces that to a greater extent than southern Nevada. Therefore, downtown Reno room taxes will be maximized and we will be unable to support another regional initiative with a full region wide room tax increase. We need to have some reserve room tax capacity to help us react in case our regional tourism industry faces another crisis. It is possible we will have to cope with yet another crisis. Let me give you three recent examples of serious issues in the north.

While you in the south have yours, we have ours. Regional airline services experience a genuine crisis. Between December of 1998 and 1999 Reno passenger volume fell by 10.2 percent. Between December of 1999 and 2000 we lost another 8.8 percent. This trend is continuing and this decline is becoming ever greater. Secondly, the dollar available to RSCVA for marketing our region is falling fast. Options and direct services cost of several different facilities: the Reno Sparks Convention Center, the Livestock Events Center, the two golf courses, the Pioneer Center, the Incline Village Visitors Center and the National Bowling Stadium, are eating up the RSCVA budget. While the total dollars available have steadily increased, the dollar budgeted for marketing has steadily declined. Thirdly, we have failed to diversify our tourist base. Our most frequent visitors include people over the age of 55 and those who visit for two to three days. They are the group most likely to be taken by the Indian gaming in California.

I'm afraid this is indeed a historic moment. If this bill passes and is signed into law, it assumes the City of Reno goes forward with the plan as contained in this bill. This will be the last time we have a single entity planning an executive marketing program for the greater convention and tourist market in the greater Washoe County area. Regional planning, marketing and selling of tourism enterprises will effectively end once the downtown center is up and running. Downtown, through the downtown center, will be competing against the RSCVA. By the next session, Sparks, Incline Village will be coming to the Legislature looking for their own room tax and tax revenue system streams for local tourism authority. Then there is the question of public versus private enterprise. The major hotel in the community in which I live has a 110,000 square foot meeting space, roughly the same as this downtown convention center; nearly all on one level, this center is near a carbon copy. That hotel invested their own money in building their facility, adding a \$10 million parking garage, to meet the needs of our community, to bring tourism into our area, to market itself at their expense. Yet, we are going to use public dollars taken from the public tax stream. This is wrong. It sets the wrong image.

How is the State of Nevada going to dedicate over \$200 million paying for debt service, full cost of operation, maintenance and even the marketing of direct competition for the RSCVA? This is a bad piece of legislation. I can't think of anything that is going to be more divisive to my community in terms of where it is going and where it could possibly be. It's going to drive, I think, a deeper wedge between those communities and what is good for the community as a whole. I urge my colleagues to join me in voting against this piece of legislation.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker pro Tempore. I do respect my colleague from Sparks and he made some very wonderful points that need to be made. However, this legislation really only protects the citizen taxpayer. It will be funded by revenue bonds. This does not allow for the funding. This is a fight that will be taken on at the local level, at the city council. These aren't like Las Vegas casino owners. We know them. They are our neighbors and friends. Most of us grew up with them. They will take this fight to the city council and make the necessary compromise that needs to be done. In this bill, we're just doing what we can to protect the citizen taxpayer.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker pro Tempore. I think the comments of my colleague from Sparks reflects the anguish many of us from Washoe County are feeling over this bill. It's probably one of the most difficult, divisive issues that we have dealt with for many years. I will be supporting the bill. I would hope that in the future our local governments can get together and work together on these issues. There was an editorial in today's paper, as a matter of fact, about the need for our local governments to be honest and forthright with one another and address issues as a community rather than separate entities, whether its fiscal equity, annexation or whatever it is. I know that you folks in the south deal with these as well. It really tears us apart. I will be supporting it but I would hope that in the future local governments find a way to resolve this as a local issue. I realize this is enabling. It will be decided at the local level as my colleague pointed out. It's certainly been very difficult for us.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker pro Tempore. I have been contemplating whether to stand or not. I feel that I need to add a little balance to this. I, too, rise in opposition to SB 221. I feel that it's not in the best interest of Washoe County, Reno, Sparks, or the RSCVA. I think it's a form of corporate welfare and I will be opposing this. I urge you to all do the best thing for Washoe County. Thank you.

ASSEMBLYMAN GOLDWATER:

Mr. Speaker pro Tempore, I just wanted to rise and give the body a little indication of what happened with this bill in the committee. It was widely supported by members of the downtown Reno community. Opponents who are not from specifically downtown Reno include members of Sparks, even though there are areas in major hotel casinos affected by the room tax, they have tried, when it comes to tax policy, to get together, compromise and continue to work things out. I think at the final hour a majority and large group of folks got together, formed a private

corporation, put in a little private money and want to empower the local government to raise the room tax to support what the majority feels is a good decision.

Roll call on Senate Bill No. 221:

YEAS—32.

NAYS—Anderson, Angle, Carpenter, Dini, Marvel, Neighbors, Price, Smith—8.

NOT VOTING—Brower, Gustavson—2.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 223.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 223:

YEAS—42.

NAYS—None.

Senate Bill No. 223 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 236.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 236:

YEAS—42.

NAYS—None.

Senate Bill No. 236 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 237:

YEAS—42.

NAYS—None.

Senate Bill No. 237 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Remarks by Assemblywomen Leslie and Angle.

Roll call on Senate Bill No. 245:

YEAS—42.

NAYS—None.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 289.

Bill read third time.

Remarks by Assemblywomen Parnell and Giunchigliani.

Roll call on Senate Bill No. 289:

YEAS—42.

NAYS—None.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 311:

YEAS—42.

NAYS—None.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 337.

Bill read third time.

Remarks by Assemblymen Manendo, Brown and Lee.

Potential conflict of interest declared by Assemblyman Lee.

Conflict of interest declared by Assemblyman Brown.

Roll call on Senate Bill No. 337:

YEAS—39.

NAYS—Carpenter.

NOT VOTING—Brown.

EXCUSED—Tiffany.

Senate Bill No. 337 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 356.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 356:

YEAS—42.

NAYS—None.

Senate Bill No. 356 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 405.

Bill read third time.

Remarks by Assemblymen Dini and Carpenter.

Roll call on Senate Bill No. 405:

YEAS—42.

NAYS—None.

Senate Bill No. 405 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 502.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 502:

YEAS—42.

NAYS—None.

Senate Bill No. 502 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 554; Senate Bills Nos. 65, 125, 257, 516, 535, 543; Senate Joint Resolution No. 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

GOVERNOR GUINN:

Thank you very much, Mr. Speaker pro Tempore. Today is a very special day in the history of Nevada. Welcome to all of you from Faye Herron Elementary School, Reed High School, and Madison Elementary School in southern Nevada. The reason it is a very special day today is because I think it is symbolic of what is happening all across America and especially what is happening right here in Nevada. It is the great diversity that is coming about with our people. Diversity is so important. Today, what makes that a special relationship is that Assemblyman Wendell Williams is the first African American in the history of Nevada to be the Speaker pro Tempore in this august body of the Assembly. We congratulate you for that very much, Assemblyman Williams.

I think it sets an example to all of you young people to what you can do if you truly put your mind to it and you're willing to work hard, sacrifice and do a good job with your schoolwork. If you will continue to do that, and then hopefully someday many of you will be sitting in this room; maybe you, too, will have an opportunity to be the Speaker of the Assembly or Speaker pro Tempore for the first time, in your life. We would love to see that happen.

Quickly, I just want to make sure I give Speaker pro Tempore Williams some good advice today. You just heard that there will soon be a school named Wendell P. Williams Elementary School in Clark County. Wendell, historically in this State they would not name a school after someone who was still alive. I think if you look at the history, the Kenny Guinn Junior High School was the first school wherein they named it after someone who was still alive. I am very grateful for that new process they have started. But, Wendell, it will put you in a very humble position, even though you are the Speaker pro Tempore today.

As we were doing the school dedication of the Kenny Guinn Junior High School, I was waiting outside before I went into the gymnasium where there were a few thousand people. I

was out there by myself and there was a picture of me hanging on the wall. And this was a school that started with sixth, seventh and eighth graders.

A little sixth grader came by and I said, "How are you doing?"

He said, "Nothing much."

I asked him, "Do you go to school here?"

"Yes."

I asked him, "What grade are you in?"

"The sixth grade."

I looked around to see if there was anyone there to hear me say the next words I was going to say to him. I asked, "See this picture?"

"Yes sir."

I said, "That's Kenny Guinn. That's who the school is named after."

"Yes, sir."

I looked at him and he didn't recognize me and I said, "I'm Kenny Guinn."

The little kid looked at me and said, "It was very nice of your mother to name you after our school."

Wendell, congratulations for the two great honors that you are going to have: this experience today as Speaker pro Tempore and also for having a school named after you. I can think of no two greater honors one could receive in their lifetime. So thank you very much and thank you for inviting me here today.

Students, keep up your good works, because we don't want you if you are not going to get a Millennium Scholarship that this group, right here, approved. It's a \$10,000 scholarship for that "B" average and passing your high school exams. And with that said, I'm going to leave and go back to work. Thank you very much.

JUDGE GENE PORTER:

Thank you, Mr. Speaker pro Tempore. I had not planned on attending the floor session this morning until I found out you were going to be presiding. I found our old roommate and he graciously agreed to let me sit here. I thought I would at least say a few words about what this occasion means to me personally and to those of us who have watched your career over the years. I first met Wendell Williams in 1986 when we happened to file for election on the exact same day. Then our pictures ran side by side the very next day in the *Las Vegas Sun*. By coincidence it ran alongside the representative from District 7. The three of us appeared in the newspaper together and we had never met each other. I had the opportunity to then meet both of these gentlemen during the campaign trail and the rest is, as you know, history.

Probably one of the proudest moments for me was when the Clark County School District decided to name a school after Wendell P. Williams. I know of very few people who have cared as much about children and education as Assemblyman Williams has. If you have ever driven through District 6 in Las Vegas, and had the privilege to be there, you will see, to this day, educational signs that say "Sponsored by Assemblyman Williams" on various corners of that district. They urge the students that live there to stay in school and get an education. That's a legacy to him.

The naming of the Wendell P. Williams Elementary School is, in my opinion, Mr. Speaker pro Tempore, so far, one of the crowning moments of your career. On a personal note, I am very proud of you and, as usual, you handled yourself today with your usual class and style. Congratulations, sir, and thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Blumenthal, Becky Bradshaw, William Creveling, Adam Frenza, Kerrie Kramer, Dallin Smith, Toby Straw, Kyle Tingley, Josh Valdez, Aaron Crowther, Summer Foster, Justin Oberman, Brian Day, Raul Arce, Lisa Ferguson, Jorge Guevara, Tracy Gummert, Suzanne Hung, Josh Koder, Kyle Morris, Misty Nguyen,

Stephen Percival, Josh Plowman, Luke Ruiz, Amy Woo, Danny Devine, Amber Farley, Nate Gibbs, Matt Highison, Seth Laylon, Sarah Lowery, Aaron McGraw, Lindsey Rudolph, Rich Schmitt, Rich Schroeder, Chris Walsh, Meghan Sullivan, Jolene Whelan, Tawnya Gamble and Shawn Curtis.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Weinstein, Joseph Scalia, Cort Christie and Robert Bennington.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Shaw.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Daryl A. Moore, Michele Richardson, Stephanie Tyler, Jenny DesVaux Oakes, Debra Jacobson, Anne Grisham, Shelly McFarland, Luz Marian Bolanos, Scott Siverhus, Shelia Gilchrist, Tami Zorn, Lori Lee-Rouadi, James Stiener, Marilu Rice, Jenny Siverhus, Mary Boyd, Francis Tovar, Broderick Davis Sr., Maria Cabrera, Xochilt Briseno, George Chavez, Andy Vaughn, Luis Corado, Teresa Hansen, Alma Hinojos, Elizabeth Samis, Jennifer Sialo, Violet Murrill, Christina Garcia, Tina Kinser, Maria Sanchez, Adriana Aguilar, Blanca Almeda, Dasha Anderson, Jonathan Asais, Celina Barraza, Jasmine Bartley, Antonio Bolanos, Pedro Borrunda, Mariela Cabrera, Kenzie Campos, Jose Cardenas, Adriana Castro, Edgar Cebreros, Jose Cerna, Jose Cervantes, Estefani Chavarria, Rocio Chavez, Eduardo Contreras, Wendy Corado, Esttefania Corona, Gustavo Covarruvias, Joseantonio Diaz, Myra Diaz, Cheniece Ellison, David Flores, Yazmin Flores, Jesus Garcia, Kathy Garcia, Manuel Georges, Benito Gonzales, Amanda Hansen, Jarroy Henry, Juliet Hernandez, Nancy Heron, Victor Hinojos, Maria Jara, Francisco Jimenez, Reyna Jimenez, Miguel Joanico, Ashlia Kinser, Kyle Kinser, Nivardo Landeros, Chavoney Lawson, Antonio Llamas, Ana Mariel Lopez, Steve Luera, Hector Maria, Michael Marroquin, Leopoldo Martinez, Yecenia Maya, Rebecca McFarland, Broderick McFarling Davis, Andrew McKinney, Adolfo Medina Jr., Victor Meza, Britany Montez, Jorge Morones, Bianca Munoz, Cassondra Murrill, Yarely Nunez, Azucena Pacheco, Natalie Portillo, Robert Pratt, Jesus Quintana, Moises Ramirez, Brenda Ramos, Patirck, Yoni Robles, Angel Rodriquez, Consuelo Rodriquez, Mayra Rodriguez, Julio Rodriquez, Armando Rojas, Brizuela Rojas, Elida Salgado, Brittany Sanchez, Danira Sanchez, Joseph Sandoval, Penina Siala, Thomas Smith, Tennesa Spendlove, Osman Tena, Luis Tostado, Jonathan Tovar, Linda Turner, Jeffery Ullom, Carlos Valdez, Yesenia Valencia, Tomas Velencia, Erika Velez, Efain Vivar, Denitra Wheeler, DeShawn Whright, Leah Winn, Joel Yopez and Stephanie Zamora.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to LeAnn Whitmore.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Katy Singlaub.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Ball, Ivan Williams, Calderon Mosley, Jymmee Cooper, Tenisha Williams, Ebony Montgomery, Beaunra Brown, Courtney Davenport, Sharon Frazier, Joshua Ellis, Princess Worthen, Nigel Richey, Lakisha Parks, Sidney Dagon, Derrick Lea, Dr. Carol Foster, Michele Haldeman, Cynthia Hart, Jenny Rosowsky, Connie Washington, Barbara Peyton, Myrtis King, Alfredo Ajero, Michael Ajero, Ciro Avendano, Sheena Bailey, India Batiste, Damarqion Beasley, Keorris Berry, Denisheo Beverly, Lemond Blanche, Phantasia Boccheciamp, Donja Brooks, Joseph Brooks, Kristian Buchanan, Jamarlo Collins, Lamont Collins, Zachary Contreras, Jerry Cooper, Jr., Kaycee Cruz, Sabrina Day, Nomeka Draggon, Tallis Eaton, Teresa Eaton, Luz Favela Belmonte, Freddy Gardea, Spencer Gatson, Kabrika Ginton, Miyetta Gray, Lanesha Hardin, Armishma Hopkins, Demetrus Hughes, Eddameka Hurd, Britteny Idleburgh, Johnny Isaac, Carla Jackson, Tiarria Jamerson, Vincente Jimenez, Chantel Jimerson, Terrance Johnson, Jason Kline, Seshna Kumar, Deonte Lolar, Larry Loucious, Ebony Love, Antwon Manning, Brianda Martinez-Hernan, Endea McKnight, Bobby McRoy, Jr., Davonta Mitchell, Michael Monarrez, Brandon Montgomery, Margurite Paschal, Danielle Pollard, James Poole, Alexandria Ross, Jason Saladen, Sharielle Shaw, Andrea Smith, Jermaine Smith, Luis Soto, Daviote Stewart, Michael Stewart, Christina Stingley, Yumika Summerlin, Leeshur Taylor, Thomas Taylor, Jr., Shante Thomas, Michael Turner, Teresa Valles, Kiera Washington, Noriesha Webster, Jonsha Wesley, Matthew Wiggins, Norian Williams, Stephon Wimberly, Makey Yabut and Teresa Yabut.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 25, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 3:34 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 25, 2001

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Marvin Dennis.

Our Heavenly Father, help us to remember all those who have served our great state and nation. Help us to be thankful for each of them. As we approach this Memorial Day holiday help us in the midst of all our activities to pause and reflect upon Your goodness to us and reflect upon the memory of our loved ones. Thank You that we have a special day set aside to remember and be grateful that we are indeed a blessed nation. In the Name of My Wonderful Lord, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 518, 530, 531, 598, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

COMMUNICATIONS
MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER

May 24, 2001

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, Nevada State Assembly,
Legislative Building, Carson City, Nevada 89701

DEAR SPEAKER PERKINS:

I am returning Assembly Bill 481 to the 71st Session of the Nevada Legislature accompanied by my letter of objection.

Sincerely,

KENNY C. GUINN
Governor

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 7, 29, 33, 165, 171, 199, 201, 257, 264, 267, 431, 446, 488, 491, 536, 547, 563, 576, 601, 604, 636, 649; Senate Bill No. 143.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 44, Amendment No. 812; Assembly Bill No. 74, Amendment No. 709; Assembly Bill No. 92, Amendment No. 767; Assembly Bill No. 192, Amendment No. 851; Assembly Bill No. 245, Amendment No. 746; Assembly Bill No. 253, Amendment No. 849; Assembly Bill No. 294, Amendment No. 753; Assembly Bill No. 302, Amendment No. 854; Assembly Bill No. 308, Amendment No. 754; Assembly Bill No. 325, Amendment No. 755; Assembly Bill No. 344, Amendment No. 756; Assembly Bill No. 399, Amendment No. 757; Assembly Bill No. 402, Amendment No. 846; Assembly Bill No. 440, Amendment No. 821; Assembly Bill No. 463, Amendment No. 842; Assembly Bill No. 620, Amendment No. 852; Assembly Bill No. 622, Amendment No. 850; Assembly Bill No. 628, Amendment No. 870, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 660, Senate Amendment No. 688, and requests a conference, and appointed Senators Wiener, Amodei and Washington as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 194, 448, 496, 497.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 730 to Senate Bill No. 163; Assembly Amendment No. 722 to Senate Bill No. 191; Assembly Amendment No. 720 to Senate Bill No. 197; Assembly Amendment No. 731 to Senate Bill No. 329.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 732 to Senate Bill No. 554.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 37— Expressing support for the goals of the Disadvantaged Business Enterprise Program and the contract compliance programs of the Nevada Department of Transportation and urging the creation of a statewide task force to expand diversity in the work force on highway construction projects.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parnell, Von Tobel and Bache as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 660.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 24, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 123.

GARY GHIGGERI
Fiscal Analysis Division

Assemblywoman Giunchigliani moved that Senate Bill No. 219 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Manendo moved that Senate Bill No. 482 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Manendo.

Motion carried.

Assemblywoman Koivisto moved that Senate Bill No. 377 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Koivisto.

Motion carried.

Assemblyman Dini moved that Senate Bill No. 6 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Dini.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 516 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 219 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 518, 530, 531, 598; Senate Bills Nos. 33 and 527 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that the reading of histories on all Bills and Resolutions on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 143.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 194.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 448.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 496.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 497.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 6.

Bill read second time and ordered to third reading.

Assembly Bill No. 518.

Bill read second time and ordered to third reading.

Assembly Bill No. 530.

Bill read second time and ordered to third reading.

Assembly Bill No. 531.

Bill read second time and ordered to third reading.

Assembly Bill No. 598.

Bill read second time and ordered to third reading.

Senate Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 742.

Amend the bill as a whole by renumbering section 1 as sec. 12 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

“Section 1. Chapter 132 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in this Title, unless the context otherwise requires, when the term “writing” or “written” is used in reference to a will, the term includes an electronic will.*

Sec. 3. *“Electronic record” means a record created, generated or stored by electronic means.*

Sec. 4. *“Electronic signature” means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.*

Sec. 5. *“Electronic will” means a testamentary document that complies with the requirements of section 9 of this act.*

Sec. 6. *“Record” means information that is inscribed on a tangible medium, or that is stored in an electronic medium and is retrievable in perceivable form.*

Sec. 7. NRS 132.025 is hereby amended to read as follows:

132.025 As used in this Title, unless the context otherwise requires, the words and terms defined in NRS 132.030 to 132.370, inclusive, *and sections 3 to 6, inclusive, of this act*, have the meanings ascribed to them in those sections.

Sec. 8. NRS 132.070 is hereby amended to read as follows:

132.070 “Codicil” means an addition to a will that may modify or revoke one or more provisions of the will, or add one or more provisions to the will, and is signed with the same formalities as a witnessed will, *electronic will or holographic will.*

Sec. 9. Chapter 133 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An electronic will is a will of a testator that:*

(a) *Is written, created and stored in an electronic record;*

(b) Contains the date and the electronic signature of the testator and which includes, without limitation, at least one authentication characteristic of the testator; and

(c) Is created and stored in such a manner that:

(1) Only one authoritative copy exists;

(2) The authoritative copy is maintained and controlled by the testator or a custodian designated by the testator in the electronic will;

(3) Any attempted alteration of the authoritative copy is readily identifiable; and

(4) Each copy of the authoritative copy is readily identifiable as a copy that is not the authoritative copy.

2. Every person of sound mind over the age of 18 years may, by last electronic will, dispose of all of his estate, real and personal, but the estate is chargeable with the payment of the testator's debts.

3. An electronic will that meets the requirements of this section is subject to no other form, and may be made in or out of this state. An electronic will is valid and has the same force and effect as if formally executed.

4. An electronic will shall be deemed to be executed in this state if the authoritative copy of the electronic will is:

(a) Transmitted to and maintained by a custodian designated in the electronic will at his place of business in this state or at his residence in this state; or

(b) Maintained by the testator at his place of business in this state or at his residence in this state.

5. The provisions of this section do not apply to a trust other than a trust contained in an electronic will.

6. As used in this section:

(a) "Authentication characteristic" means a characteristic of a certain person that is unique to that person and that is capable of measurement and recognition in an electronic record as a biological aspect of or physical act performed by that person. Such a characteristic may consist of a fingerprint, a retinal scan, voice recognition, facial recognition, a digitized signature or other authentication using a unique characteristic of the person.

(b) "Authoritative copy" means the original, unique, identifiable and unalterable electronic record of an electronic will.

(c) "Digitized signature" means a graphical image of a handwritten signature that is created, generated or stored by electronic means.

Sec. 10. NRS 133.040 is hereby amended to read as follows:

133.040 No will executed in this state, except such electronic wills or holographic wills as are mentioned in this chapter, is valid unless it is in writing and signed by the testator, or by an attending person at the testator's express direction, and attested by at least two competent witnesses who subscribe their names to the will in the presence of the testator.

Sec. 11. NRS 133.045 is hereby amended to read as follows:

133.045 1. Whether or not the provisions relating to *electronic wills* and holographic wills apply, a will may refer to a written statement or list, *including, without limitation, a written statement or list contained in an electronic record*, to dispose of items of tangible personal property not otherwise specifically disposed of by the will, other than money, evidences of indebtedness, documents of title, securities and property used in a trade or business.

2. To be admissible as evidence of the intended disposition, the statement or list must contain:

- (a) The date of its execution.
- (b) A title indicating its purpose.
- (c) A reference to the will to which it relates.
- (d) A reasonably certain description of the items to be disposed of and the names of the devisees.
- (e) The testator's *handwritten* signature ~~[]~~ *or electronic signature*.

3. The statement or list may be:

- (a) Referred to as a writing to be in existence at the time of the testator's death.
- (b) Prepared before or after the execution of the will.
- (c) Altered by the testator after its preparation.
- (d) A writing which has no significance apart from its effect upon the dispositions made by the will.”.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 14 and 15 and adding a new section, designated sec. 13, following section 1, to read as follows:

“Sec. 13. NRS 133.080 is hereby amended to read as follows:

133.080 1. If in writing and subscribed by the testator, a last will and testament executed outside this state in the manner prescribed by the law, either of the state where executed or of the testator's domicile, shall be deemed to be legally executed, and is of the same force and effect as if executed in the manner prescribed by the law of this state.

2. This section must be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

3. *As used in this section, “subscribed” includes, without limitation, placing an electronic signature on an electronic will.”.*

Amend the bill as a whole by renumbering sections 4 through 15 as sections 17 through 28 and adding a new section designated sec. 16, following sec. 3, to read as follows:

“Sec. 16. Chapter 136 of NRS is hereby amended by adding thereto a new section to read as follows:

An electronic will may be proved by authentication satisfactory to the court.”.

Amend the bill as a whole by renumbering sections 16 and 17 as sections 30 and 31 and adding a new section designated sec. 29, following sec. 15, to read as follows:

“Sec. 29. NRS 150.310 is hereby amended to read as follows:

150.310 1. If it appears upon any accounting, or in any appropriate action or proceeding, that a personal representative, trustee or other fiduciary has paid or may be required to pay an estate tax to the Federal Government under the provisions of any federal estate tax law, now existing or hereafter enacted, upon or with respect to any property required to be included in the gross estate of a decedent under the provisions of any such law, the amount of the tax must be equitably prorated among the persons interested in the estate, whether residents or nonresidents of this state, to whom the property was, is or may be transferred or to whom any benefit accrues, except:

~~{1.}~~ (a) Where a testator otherwise directs in his will.

~~{2.}~~ (b) Where by written instrument, *including, without limitation, an electronic trust*, executed inter vivos direction is given for apportionment among the beneficiaries of taxes assessed upon the specific fund dealt with in the instrument.

2. *As used in this section, “electronic trust” has the meaning ascribed to it in section 38 of this act.”*

Amend the bill as a whole by renumbering sec. 18 as sec. 44 and adding new sections designated sections 32 through 43, following sec. 17, to read as follows:

“Sec. 32. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, when the term “writing” or “written” is used in reference to a will or instrument, the term includes an electronic will as defined in section 5 of this act and an electronic trust as defined in section 38 of this act.

Sec. 33. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 34 to 40, inclusive, of this act.

Sec. 34. *As used in this chapter, unless the context otherwise requires, when the term “writing” or “written” is used in reference to a will, trust or instrument to convey property, the term includes an electronic will as defined in section 5 of this act or an electronic trust as defined in section 38 of this act, as appropriate.*

Sec. 35. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 36 to 39, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 36. *“Electronic record” has the meaning ascribed to it in section 3 of this act.*

Sec. 37. *“Electronic signature” has the meaning ascribed to it in section 4 of this act.*

Sec. 38. *“Electronic trust” means a trust instrument that complies with the requirements of section 40 of this act.*

Sec. 39. *“Record” has the meaning ascribed to it in section 6 of this act.*

Sec. 40. 1. *An electronic trust is a trust instrument that:*

(a) *Is written, created and stored in an electronic record;*

- (b) *Contains the electronic signature of the settlor; and*
- (c) *Meets the requirements set forth in this chapter for a valid trust.*

2. *An electronic trust shall be deemed to be executed in this state if the electronic trust is:*

(a) *Transmitted to and maintained by a custodian designated in the trust instrument at his place of business in this state or at his residence in this state; or*

(b) *Maintained by the settlor at his place of business in this state or at his residence in this state, or by the trustee at his place of business in this state or at his residence in this state.*

3. *The provisions of this section do not apply to a testamentary trust.*

Sec. 41. NRS 163.008 is hereby amended to read as follows:

163.008 1. A trust created in relation to real property is not valid unless it is created by operation of law or is evidenced by:

(a) A written instrument signed by the trustee, or by the agent of the trustee if he is authorized in writing to do so; or

(b) A written instrument , *including, without limitation, an electronic trust*, conveying the trust property and signed by the settlor, or by the agent of the settlor if he is authorized in writing to do so.

2. Such a trust may be recorded in the office of the county recorder in the county where all or a portion of the real property is located.

Sec. 42. NRS 163.260 is hereby amended to read as follows:

163.260 1. By an expressed intention of the testator or settlor ~~to do so~~ contained in a will, or in an instrument in writing whereby a trust estate is created inter vivos, any or all of the powers or any portion thereof enumerated in NRS 163.265 to 163.410, inclusive, as they exist at the time ~~[of the signing of the will by]~~ *that the testator signs the will or places his electronic signature on the will, if it is an electronic will*, or at the time ~~[of the signing by]~~ *that the first settlor [who] signs the trust instrument [,] or places his electronic signature on the trust instrument, if it is an electronic trust*, may be, by appropriate reference made thereto, incorporated in such will or other written instrument, with the same effect as though such language were set forth verbatim in the instrument. Incorporation of one or more of the powers contained in NRS 163.265 to 163.410, inclusive, by reference to the proper section shall be in addition to and not in limitation of the common law or statutory powers of the fiduciary.

2. A fiduciary shall not exercise any power or authority conferred as provided in NRS 163.260 to 163.410, inclusive, in such a manner as, in the aggregate, to deprive the trust or the estate involved of an otherwise available tax exemption, deduction or credit, expressly including the marital deduction, or operate to impose a tax upon a donor or testator or other person as owner of any portion of the trust or estate involved. "Tax" includes, but is not limited to, any federal income, gift, estate or inheritance tax.

3. This section does not prevent the incorporation of the powers enumerated in NRS 163.265 to 163.410, inclusive, in any other kind of instrument or agreement.

4. *As used in this section, “electronic will” has the meaning ascribed to it in section 5 of this act.*

Sec. 43. NRS 163.590 is hereby amended to read as follows:

163.590 1. ~~[A]~~ *Whether or not the provisions relating to electronic trusts apply, a trust may refer to a written statement or list, including, without limitation, a written statement or list contained in an electronic record, to dispose of items of tangible personal property not otherwise specifically disposed of by the trust, other than money, evidences of indebtedness, documents of title, securities and property used in a trade or business.*

2. To be admissible as evidence of the intended disposition, the statement or list must contain:

- (a) The date of its execution.
- (b) A title indicating its purpose.
- (c) A reference to the trust to which it relates.
- (d) A reasonably certain description of the items to be disposed of and the beneficiaries.

(e) *The handwritten signature or electronic signature of the settlor.*

3. The statement or list may be:

- (a) Referred to as a writing to be in existence at the death of the settlor.
- (b) Prepared before or after the execution of the trust instrument.
- (c) Altered by the settlor after its preparation.
- (d) A writing which has no significance apart from its affect upon the dispositions made by the trust.”.

Amend the bill as a whole by renumbering sec. 19 as sec. 46 and adding a new section designated sec. 45, following sec. 18, to read as follows:

“Sec. 45. NRS 164.010 is hereby amended to read as follows:

164.010 1. Upon petition of any person appointed as trustee of an express trust by any written instrument other than a will, or upon petition of a settlor or beneficiary of the trust, the district court of the county in which the trustee resides or conducts business, or in which the trust has been domiciled, shall consider the application to confirm the appointment of the trustee and specify the manner in which the trustee must qualify. Thereafter the court has jurisdiction of the trust as a proceeding in rem.

2. If the court grants the petition, it may consider at the same time any petition for instructions filed with the petition for confirmation.

3. At any time, the trustee may petition the court for removal of the trust from continuing jurisdiction of the court.

4. *As used in this section, “written instrument” includes, without limitation, an electronic trust as defined in section 38 of this act.”.*

Amend the bill as a whole by renumbering sec. 20 as sec. 48 and adding a new section designated sec. 47, following sec. 19, to read as follows:

"Sec. 47. Chapter 166 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, when the term "writing" or "written" is used in reference to a will, trust or instrument, the term includes an electronic will as defined in section 5 of this act and an electronic trust as defined in section 38 of this act."

Amend the title of the bill, first line, after "probate;" by inserting: "providing for the use of electronic wills and electronic trusts;"

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 527.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 811.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 370 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person may institute a civil action in a court of competent jurisdiction for appropriate injunctive relief if the person:

(a) Sells, distributes or manufactures cigarettes; and

(b) Sustains direct economic or commercial injury as a result of a violation of subsection 4 of NRS 370.240 or NRS 370.385.

2. Nothing in this section authorizes an action against this state, a political subdivision of this state, or an officer, employee or agency thereof."

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 370.385 is hereby amended to read as follows:

370.385 1. A wholesale or retail dealer shall not affix a Nevada cigarette revenue stamp or a metered machine impression upon a package, carton, packet or other container of cigarettes which:

(a) Does not meet the requirements of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331 et seq., for the placement of labels, warnings or any other information required by that Act to be placed upon a container of cigarettes sold within the United States;

(b) Is labeled as "for export only," "U.S. tax exempt," "for use outside the U.S." or with similar wording indicating that the manufacturer did not intend for the product to be sold in the United States;

(c) Has been altered by the unauthorized addition or removal of wording, labels or warnings described in paragraph (a) or (b);

(d) Has been exported from the United States after January 1, 2000, and imported into the United States in violation of 26 U.S.C. § 5754; ~~or~~

(e) *Has been imported into the United States in violation of 19 U.S.C. § 1681a;*

(f) *Was manufactured, packaged or imported by a person who has not complied with 15 U.S.C. § 1335a with regard to the cigarettes;*

(g) Violates a federal trade-mark or copyright law ~~[-]~~; or

(h) *Violates any other federal statute or regulation or with respect to which any federal statute or regulation has been violated.*

2. A wholesale or retail dealer shall not:

(a) Affix Nevada cigarette revenue stamps or metered machine impressions on;

(b) Sell or distribute in this state; or

(c) Possess in this state with the intent to sell or distribute in this state, cigarettes manufactured for export outside the United States.

3. The department may impose a penalty on a wholesale or retail dealer who violates subsection 1 or 2 as follows:

(a) For the first violation, a penalty of \$5,000.

(b) For each subsequent violation, a penalty of \$10,000.

4. Notwithstanding any other provision of law, the department ~~may seize, destroy or sell to the manufacturer, for export only, a container of~~ *shall seize and destroy* cigarettes upon which a revenue stamp or metered machine impression was placed in violation of subsection 1 or 2.

5. As used in this section, “cigarettes manufactured for export outside the United States” means cigarettes contained in a package or carton which indicates that the cigarettes are tax exempt and for use outside the United States.”.

Amend sec. 6, pages 2 and 3, by deleting lines 47 through 49 on page 1 and lines 1 and 2 on page 3, and inserting:

“370.415 1. The department, its agents, sheriffs within their respective counties and all other peace officers of the State of Nevada shall seize any contraband cigarettes found or located in the State of Nevada.

2. *A sheriff or other peace officer who seizes cigarettes pursuant to this section shall provide written notification of the seizure to the department not later than 5 working days after the seizure. The notification must include the reason for the seizure.*

3. *After consultation with the department, the sheriff or other peace officer shall transmit the cigarettes to the department if:*

(a) *The cigarettes, except for revenue stamps or metered machine impressions being properly affixed as required by this chapter, comply with all state and federal statutes and regulations; and*

(b) *The department approves the transmission of the cigarettes.*

4. *Upon receipt of the cigarettes, the department shall dispose of the cigarettes as provided in subsection 4 of NRS 370.270.*

5. *If the sheriff or other peace officer does not transmit the cigarettes to the department, he shall destroy the cigarettes.”.*

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 and 9 as sections 7 and 8.

Amend the title of the bill by deleting the fifth through ninth lines and inserting: “certificates regarding cigarettes imported into the United States; expanding the scope of prohibited acts by cigarette dealers; revising the provisions governing the disposal of certain contraband cigarettes; providing for a private right of action for injunctive relief regarding certain violations of chapter 370 of NRS; providing a penalty; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing contraband cigarettes, cigarette dealers and enforcement of statutes regarding cigarettes. (BDR 32-1326)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Senate Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 466 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 482.

Bill read third time.

The following amendment was proposed by Assemblyman Manendo:

Amendment No. 783.

Amend sec. 8, page 2, by deleting lines 5 and 6.

Amend sec. 8, page 2, line 7, by deleting “2.” and inserting “1.”.

Amend sec. 8, page 2, line 13, by deleting “3.” and inserting “2.”.

Amend sec. 8, page 2, line 15, by deleting “4.” and inserting “3.”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 454.

Bill read third time.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 999.

Amend sec. 11, page 4, between lines 46 and 47, by inserting:

“9. All contracts authorized by this section are subject to the requirements of chapter 333 of NRS, except that:

(a) Notwithstanding the provisions of subsection 1 of NRS 333.165 to the contrary, the board shall contract for all services regardless of the estimated value of the services; and

(b) Notwithstanding the provisions of NRS 333.335 to the contrary, each proposal received by the board concerning services must be evaluated by the board at a public meeting and each contract for services must be awarded by the board at a public meeting.”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Joint Resolution No. 9

Bill read third time.

Remarks by Assemblymen McClain, Price, Gustavson, Gibbons, Buckley, Mortenson, Freeman and Chowning.

Assemblywoman Buckley moved that Assembly Joint Resolution No. 9 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Constitutional Amendments:

Assembly Concurrent Resolution No. 38—Endorsing the support and expansion of programs that motivate students to learn more about the democratic system of government and other programs which encourage involvement in the democratic system of government.

Assemblyman Price moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Assemblywoman Buckley moved that Senate Bills Nos. 127, 243 and 500 be placed on the Second Reading File.

Assemblywoman Buckley moved that Assembly Bill No. 324 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 324.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 877.

Amend sec. 28, page 11, line 3, by deleting "A" and inserting:

~~"A]~~ *Except as otherwise provided in this section, a"*.

Amend sec. 28, page 11, line 23, by deleting "A" and inserting:

~~"A]~~ *Except as otherwise provided in this section, a"*.

Amend sec. 28, page 11, line 24, by deleting "A" and inserting:

~~"A]~~ *Except as otherwise provided in this section, a"*.

Amend sec. 28, page 11, line 36, by deleting "A" and inserting:

~~"A]~~ *Except as otherwise provided in this section, a"*.

Amend sec. 28, page 11, between lines 45 and 46, by inserting:

"9. The commission may, by regulation, increase any fee set forth in this section if the commission determines that the increase in fees is necessary for the commission to carry out its duties prescribed by this chapter. The amount of an increase in fees pursuant to this subsection must not exceed the amount determined to be necessary for the commission to carry out its prescribed duties."

Amend the bill as a whole by adding new sections designated sections 96.3, 96.5 and 96.7, following sec. 96, to read as follows:

“Sec. 96.3. Not later than November 1, 2001, the director of the department of business and industry shall:

1. Identify in the budget of the division of financial institutions of the department the revenues and expenditures attributable to the regulation and licensing of mortgage brokers and mortgage agents; and

2. Submit, to the governor and interim finance committee for approval, revised budgets for the division of financial institutions and the mortgage industry commission, in which the identified revenues and expenditures have been appropriately transferred from the budget of the division to the budget of the commission.

Sec. 96.5. 1. Before the date on which the director of the department of business and industry certifies to the governor that the mortgage industry commission and its executive director are prepared to carry out the provisions of this act, or January 1, 2002, whichever occurs first, the state treasurer shall place any money deposited in the state general fund relating to the regulation and licensing of mortgage brokers and mortgage agents into the account for use by the division of financial institutions of the department for the regulation and licensing of mortgage brokers and mortgage agents.

2. On and after the date on which the director of the department of business and industry certifies to the governor that the mortgage industry commission and its executive director are prepared to carry out the provisions of this act, or January 1, 2002, as appropriate, the state treasurer shall place any money deposited in the state general fund relating to the regulation and licensing of mortgage brokers and mortgage agents into the account for use by the commission.

3. The director of the department of business and industry shall identify for the state treasurer that portion of the money being deposited in the state general fund which relates to the regulation and licensing of mortgage brokers and agents.

Sec. 96.7. The division of financial institutions of the department of business and industry and the mortgage industry commission shall enter into an interagency agreement to facilitate the transfer of the responsibility for the collection of the fees relating to the regulation and licensing of mortgage brokers and mortgage agents, and of all related fees with respect to which responsibility for the collection has been transferred from the division to the commission pursuant to this act. The agreement must include, without limitation, provisions which address:

1. The exchange of books and records between the division and the commission, as necessary; and

2. The allocation of costs between the division and the commission for services performed interdepartmentally.”.

Amend the title of the bill, fifth line, after “director” by inserting:

“authorizing the mortgage industry commission to increase fees by regulation in certain circumstances;”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Senate Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 973.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend the title of the bill to read as follows:

“AN ACT relating to education; authorizing the Elko County School District to continue its demonstration project in lieu of complying with the class-size reduction program; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes Elko County School District to continue demonstration project in lieu of complying with class-size reduction program. (BDR S-172)”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblymen Williams, Angle, Dini, Beers, Brower, Collins, Anderson, Goldwater and Chowning.

Assemblyman Gustavson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. This bill had two sections. This amendment eliminates the first section of the bill, which would expand the pilot to other districts and leaves Elko intact to continue their pilot project.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I rise in opposition to this amendment. The reason is, I believe, that the language in this bill, Section 1, is “may”, which allows for districts to do this if they like to or not. It’s permissive. I think we need to permit our districts to do whatever they can to mitigate the problems that we have created with an unfunded mandate of class-size reduction of 16. This allows them to go to multiples of 22, if they like. They don’t have to but they can mitigate those cost problems with that. It also allows them to look at class-size reduction up through the sixth grade, which is one of those things we like them to do. Not just have 16 to 1 up until the third grade and then all of a sudden we have these huge classrooms from fourth, fifth and sixth grades. I think we should allow this permissive activity to go on so they can mitigate the problems they do have with things like team teaching and the other problems class reduction have caused. I would urge you to oppose this amendment and pass it just the way it came to us in committee, which is with both sections. Thank you, Mr. Speaker.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. Question. Through you to the chairman of Education. By deleting Section 1 are we, in fact, abolishing some programs that have been authorized by our previous

action at the Legislature, like the special project in Lyon County for third grade remedial reading and in Washoe County? Does that in any way affect those two programs?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you to the Speaker Emeritus. The answer to that is “no.” I would like to respond to my colleague from Washoe County as well. We must remember that the State of Nevada was the very first state to institute class-size reduction in this country. If, in fact, this Legislature decides to eliminate or change class size reduction in any form, it should be done by the Legislature—the members of this house and the members of the house down the hall. This bill that was presented to us, SB 127, was proposing to make changes in class-size reduction to be done, not by the Legislature, but by the Board of Examiners, the Legislative Bureau on Education, which is staff and the Interim Finance Committee. The committee realizes that, if in fact class-size reduction that was instituted by the Legislature, if in fact it should be changed, it should be done by the Legislature, not by the Board of Examiners, not by the Legislative Bureau on Education, and not by the Interim Finance Committee. It should be done by the Legislature. Class-size reduction is a big issue that should be decided by the Legislature, not these other groups. This is why the committee rejected Section 1 of this bill. So, the amendment leaves in place what the Legislature has approved, the projects that are currently going on and those the Speaker Emeritus mentioned—the pilot project which is currently being done in Elko. By the way, the Legislative Committee on Education that meets during the interim, not the staff, decided that Elko’s progress was to the point that it should continue. So we left that in place. This move by the Senate to change class-size reduction by the Board of Examiners is just not appropriate in this particular case. Also, no other school district in the State, other than Elko, has applied to make any changes in class size reduction. So why would we do it in this particular bill? I urge my colleagues to adopt this amendment.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker. I rise in opposition to this amendment. I have to tell the body my personal anecdotal from the last two years. I have a daughter in middle-school. Throughout elementary school she was 32 to 2 until she hit the fourth grade; and then she was in 34 to 1; and in the fifth grade 35 to 1. Essentially, what we have done here in this ten-year-long experiment is squish down the ratio in the lower grades, in order to squish up the ratio in the upper grades and it doesn’t work. I see allowing this pilot program to continue an important step in documenting the fact that this doesn’t work, so that we can remove this onerous requirement from all our children.

ASSEMBLYMAN BROWER:

Thank you very much, Mr. Speaker. I haven’t had the privilege this session of serving with the Speaker pro Tempore on your Education Committee, so I didn’t hear this bill in committee. It seems to me the bill, in Section 1, allows school districts other than Elko to apply to the State to pursue a pilot program similar to the one in Elko, to adjust the rigid class size restrictions that we as a Legislature have placed. If my understanding is correct, I think that is a good idea, that local districts should be able to apply if they think less rigidity may suit their own particular needs. If my understanding is correct, I would oppose this amendment as well. Thank you, Mr. Speaker.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I rise in support of my chairman of the Education Committee and support this amendment that we delete Section 1. Very simply because early in the 1990’s when we put in class-size reduction, the goal was to continue to expand it. This body of the Legislature and the Executive Office, for whatever reason, primarily financially, failed to expand that program to those upper grades. And until this body, as the chairman of Education has said, expands those processes into those grades, giving financial abilities to the local school districts, then we should not try any more experiments until we can see—like is being performed in Elko—if they are worthy of continuation. I hope that we all will support this amendment to delete Section 1. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I was not going to address the issue until my colleague from Assembly District 4 brought forth the issue of compression that seems to have taken place in certain school districts. I think that as a function, not of class-size reduction, but rather the function of the growth factor and the inability of the school districts to build suitable facilities to keep up with the growing demand of population. In point of fact, if the excellent opportunity that took place in the lower grades is because of what we saw happening the time the legislation was initially passed. That was in those beginning grades, when it was absolutely essential those elementary forms of reading and writing were being introduced, there be greater contact. Therefore, I believe that it has been a successful program and it is proving to be a successful program. It is too bad we have not had the wherewithal to expand it to those additional grades. Your child benefited from this program already. It is a shame that where she is now is in the other part of the curve where, had our law not been in place, she would have been in a first grade with 35 students. I think it is successful and I support the amendment.

ASSEMBLYMAN GOLDWATER:

Mr. Speaker, I rise in support of this amendment. I think the most salient point brought out by the chairman of the Committee on Education has to do with legislative control. We deal with the issue of class-size reduction not in a light way on your K-12 subcommittee. It is not an issue we brush over, it is not something we do not pay attention to. It is something we give a lot of time and effort to study, learn and figure out what is best. To abdicate control of that would be an abdication of our responsibility as a Legislature and an abdication of our responsibilities of the powers of the purse. I think it would be a horrible mistake to let that control pass. So, therefore, I rise in strong support of this amendment.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I would just like to remind, to clarify too, my colleague from District 37 and other members of the body. If they would look at page 2, lines 25-27. Therein lies the final step of approval. That is with the Interim Finance Committee. If this committee approves, then the school district may carry out a demonstration project. That means "they may" without the final legislative approval as a body. It puts the process in the hands of the Interim Finance Committee to allow a school district to raise the class-size reduction to 22 to 1. If this is a meritorious measure, as many people feel, then the school districts should bring it to the legislative body, as a whole, as Elko did. Then everyone can make the decision, not a select committee. Thank you.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker, for recognizing me a second time. 22 to 1 is a reduction in class size for my child, in all elementary school grades. It is not an increase. It's a reduction. This is a failed program. There are no test results anywhere in this state that indicate it is worthwhile. I'm not advocating we reduce the teachers we have in the classroom, just that we equalize to the level we all grew up with, which is roughly 22-24 to 1.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you to the previous speaker. We must remember that this is not a question of whether or not class-size reduction is working or not. This is not a question of how class-size reduction should be handled. The question in this piece of legislation is one thing: should we do it as a Legislature? Should we change it or should the Board of Examiners, Interim Finance and the Legislative Bureau on Education change it. The question with this bill is whether any statistics prove class-size reduction works or doesn't work, whether it should be 22 to 1, whether it should be 18 to 1, whether it should be 8 to 1. That is not the question this body faces at this hour. At this hour, the question is who should make changes in class-size reduction, the Legislature or someone else? We started class-size reduction in this state. If we determine that it's not working, that it's a failure or it's a success, we make that decision—the Legislature. Our question, today, when we push this button or we raise our voice to support this amendment or to not support this amendment, is who makes the changes in class-size reduction. My colleague is missing that point. Whether your child is a he or a she, whether

it's 22 to 1 or 16 to 1, that's not the question we have before us today. The Committee on Education amended the bill to take out Section 1 because the Senate sent us a bill that said class-size reduction should be changed by other than those who have the power to do it—the Legislature. This amendment rejected that. I urge my colleagues to reject that. Mr. Speaker, if in fact the debate on whether class-size reduction should be changed, that should come to you and the Legislature, not to someone else. I urge my colleagues to adopt this amendment, to place in control the body that started class-size reduction and the body that should change class-size reduction if we choose to. That is our question today. I urge my colleagues to support this amendment.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker, for recognizing me a second time. I believe that the actual point of this is that we are permitting two more districts to go to the same pilot that Elko has been doing successfully. We have also said our Interim Finance Committee, which is us, the Legislature, will have the final say on whether they may do this or not. So, I feel like we have the proper controls here. We are allowing this experiment to be expanded and we are asking for those wonderful results that Elko has seen, to happen in our two largest districts. We are asking, with this bill, to be allowed to give mitigation to other districts. The same we have allowed for Elko, and that is to go to that 22 to 1 ratio, all the way through their elementary schools. I urge you to reject this amendment. Thank you, Mr. Speaker.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and to my colleague who just responded. You must remember Elko came to us asking for this pilot. The two districts that you mentioned, Clark and Washoe, as of 12:24 p.m. today, have not come to us. Clark County has not come to this body, nor has Washoe, asking for permission to do what Elko has done. This bill is not asking or requesting Clark or Washoe to do that because Clark and Washoe has not asked us to do this. What this bill is doing, in its original form is asking for a backdoor approach to scrutinize and eliminate, if you will, class size reduction by the way of a body that is not designed to do this. The Board of Examiners? You look at their description of what they do in this State, it is not to do anything with class size reduction. The Legislature does that. Legislative Bureau of Education? In case my colleagues don't know, that is staff. I don't think anywhere in the history of our state has staff got into a position to change and create legislation. It doesn't happen. The Legislature does that. So what we are asking for is to retain the power of changing class size reduction to the Legislature. That is our duty. The committee felt that since no other school district other than Elko has come to us to look at a pilot and in fact, the pilot that Elko is now operating was done through the legislative process. That is our job. Again, for the final time, this amendment is only to allow Elko to continue the process they asked for. No other school district has done so. I would hope that in fact if we ever change this class-size reduction plan in Nevada, it is done through the two houses of the Legislature. This amendment will reject anyone else from trying to do that. That is our job.

Assemblyman Goldwater, Ocegüera and Manendo moved the previous question.

The question being on the adoption of Amendment No. 973 to Senate Bill No. 127:

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 971.

Amend section 1, page 2, by deleting lines 30 through 43 and inserting:

“leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 976.

Amend the bill as a whole by deleting sections 7 and 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. This act becomes effective on July 1, 2001.”.

Amend the title of the bill by deleting the fifth through eighth lines and inserting: “authorizing agreements for an exchange of interest rates;”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 1:02 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 65.

Bill read third time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 998.

Amend sec. 3, page 3, line 45, after “year.” by inserting: “*The chairmanship and vice chairmanship of the committee must alternate each biennium between the houses of the legislature.*”.

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. For purposes of electing a chairman and vice chairman of the legislative committee for local government taxes and finances for the term beginning on July 1, 2001:

1. The elected chairman must not be a member of the same house of the legislature as the chairman of the legislative committee to study the distribution among local governments of revenue from state and local taxes whose term expires on July 1, 2001; and

2. The elected vice chairman must not be a member of the same house of the legislature as the vice chairman of the legislative committee to study the distribution among local governments of revenue from state and local taxes whose term expires on July 1, 2001.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Senate Bill No. 352 be taken from the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 352.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1035.

Amend section 1, page 2, by deleting lines 4 through 14 and inserting: “frozen desserts which are regulated under chapter 584 of NRS;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only ~~those~~ *alcoholic* beverages which are in sealed containers.”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 99.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Senate Bill No. 99:

YEAS—42.

NAYS—None.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 125:

YEAS—42.

NAYS—None.

Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblymen Goldwater, Freeman, Carpenter, Brower, Dini, and Leslie.

Roll call on Senate Bill No. 133:

YEAS—30.

NAYS—Berman, Brower, Brown, Carpenter, Cegavske, Collins, de Braga, Dini, Gibbons, Humke, Parnell, Von Tobel—12.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 257.

Bill read third time.

Remarks by Assemblymen Chowning, Dini, Carpenter and Oceguera.

Potential conflict of interest declared by Assemblyman Oceguera.

Roll call on Senate Bill No. 257:

YEAS—38.

NAYS—Bache, Goldwater, Leslie, Perkins—4.

Senate Bill No. 257 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 265.

Bill read third time.

Remarks by Assemblymen Bache, Freeman, Mortenson, Berman and Hettrick.

Potential conflict on interest declared by Assemblywoman Berman.

Roll call on Senate Bill No. 265:

YEAS—35.

NAYS—Anderson, Brown, Freeman, Leslie, Manendo, Perkins, Price—7.

Senate Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 286

Bill read third time.

Remarks by Assemblyman Anderson.

Assemblyman Anderson moved that Senate Bill No. 286 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 543 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 122 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 487 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 487.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 787.

Amend sec. 3, page 6, by deleting lines 17 and 18 and inserting:

“355.170 1. Except as otherwise provided in this section, NRS 354.750 and section 1 of ~~[this act,]~~ *Assembly Bill No. 96 of this session*, a board of county commissioners, a board of trustees of a county”.

Amend sec. 3, page 6, line 42, after “(g)” by inserting: “Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions or insured savings and loan associations, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a “county treasurer” or “board of county commissioners” shall be deemed to refer to the appropriate financial officer or governing body of the county, school district or city purchasing the certificates.

(h)”.

Amend sec. 3, page 6, line 45, by deleting “(h)” and inserting “(i)”.

Amend sec. 3, page 7, line 3, by deleting “(i)” and inserting “(j)”.

Amend sec. 3, page 7, line 8, by deleting “(j)” and inserting “(k)”.

Amend sec. 3, page 7, line 21, by deleting “(k)” and inserting “(l)”.

Amend sec. 3, page 7, by deleting lines 25 through 27 and inserting:

“(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as “A-1,” “P-1” or its equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-subparagraphs (I) and (II).”.

Amend sec. 3, page 7, line 28, by deleting “(l)” and inserting “(m)”.

Amend sec. 8, page 14, by deleting line 44 and inserting:

“Sec. 8. 1. This section and sections 1, 2 and 4 to 7, inclusive, of this act become effective on July 1, 2001.

2. Section 3 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 1037.

Amend sec. 4, page 10, line 18, by deleting “50” and inserting “25”.

Amend the bill as a whole by deleting sec. 7 and inserting:

“Sec. 7. (Deleted by amendment).”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 122.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1029.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any public officer or employee of the state or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an emergency communications technician must be relieved from his duties, upon the request of the division of emergency management of the department of motor vehicles and public safety or a local organization for emergency management and the approval of his employer, to assist the division or local organization for emergency management during a disaster or emergency that occurs in this state, California, Oregon, Idaho, Utah or Arizona, without loss of his regular compensation for a period of not more than 15 working days in any calendar year. No such absence may be a part of the annual vacation of the public officer or employee which is provided for by law.*

2. *As used in this section:*

(a) *“Disaster” has the meaning ascribed to it in NRS 414.0335.*

(b) *“Emergency” has the meaning ascribed to it in NRS 414.0345.*

(c) *“Emergency communications technician” means a person who is:*

(1) *Licensed by the Federal Communications Commission as an amateur radio operator; and*

(2) *A member of:*

(I) *The Radio Amateur Civil Emergency Service or a successor organization sponsored by the agency of the Federal Government for emergency management; or*

(II) *The Amateur Radio Emergency Service or a successor organization sponsored by the American Radio Relay League or its successor.*

(d) *“Local organization for emergency management” has the meaning ascribed to it in NRS 414.036.”.*

Amend section 1, page 2, by deleting line 15 and inserting:

“(b) For his unused”.

Amend section 1, page 2, by deleting lines 21 and 22.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

“Sec. 4. Notwithstanding the provisions of subsection 6 of NRS 284.3621, if a state employee to whom NRS 284.355 applies transferred between July 1, 1998, and July 1, 2001, any amount of his unused sick leave accrued but not carried forward to an account for catastrophic leave established pursuant to NRS 284.3621, the employee may, before January 1, 2002, request his appointing authority to transfer to his account for his unused sick leave accrued but not carried forward an amount of his unused sick leave that he is entitled to carry forward pursuant to subsection 1 of NRS 284.355 that is equal to the amount of his unused sick leave that he transferred to an account for catastrophic leave during that period, less any unused sick leave returned to the employee from an account for catastrophic leave pursuant to subsection 5 of NRS 284.3621. Upon receipt of such a request, the appointing authority of the employee shall cause the transfer of such sick leave before July 1, 2002.”.

Amend the title of the bill, first line, by deleting “state employees;” and inserting: “public employees; authorizing a leave of absence for certain public officers and employees to assist the division of emergency management of the department of motor vehicles and public safety or a local organization for emergency management during a disaster or emergency;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywomen Giunchigliani and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 535.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 535:

YEAS—42.

NAYS—None.

Senate Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 551.

Bill read third time.

Roll call on Senate Bill No. 551:

YEAS—42.

NAYS—None.

Senate Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 553.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 553:

YEAS—42.

NAYS—None.

Senate Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Joint Resolution No. 13:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 377.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 377:

YEAS—42.

NAYS—None.

Senate Bill No. 377 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 466.

Bill read third time.

Roll call on Senate Bill No. 466:

YEAS—42.

NAYS—None.

Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Energy, to which was referred Senate Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 320, 362 and 489 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that vetoed Assembly Bill No. 481 of the 71st Session be made a Special Order of Business for Wednesday, May 30, 2001 at 11:15 a.m.

Motion carried.

Assemblywoman Buckley moved that Assembly Joint Resolution No. 9 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Von Tobel moved that Senate Bill No. 395 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Von Tobel.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 320.

Bill read second time.

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

Amendment No. 974.

Amend the bill as a whole by deleting sections 1 through 41 and adding new sections designated sections 1 through 18, following the enacting clause, to read as follows:

“Section 1. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An external review organization shall not conduct an external review of a final adverse determination pursuant to sections 4 to 12, inclusive, of this act unless it is certified in accordance with regulations adopted by the commissioner. The regulations must include, without limitation, provisions setting forth:

(a) The manner in which an external review organization may apply for a certificate and the requirements for the issuance and renewal of the certificate pursuant to this section;

(b) The grounds for which the commissioner may refuse to issue, suspend, revoke or refuse to renew a certificate issued pursuant to this section; and

(c) The manner and circumstances under which an external review organization is required to conduct its business.

2. A certificate issued pursuant to this section expires 1 year after it is issued and may be renewed in accordance with regulations adopted by the commissioner.

3. Except as otherwise provided in subsection 6, before the commissioner may certify an external review organization, the external review organization must:

(a) Demonstrate to the satisfaction of the commissioner that it is able to carry out, in a timely manner, the duties of an external review organization set forth in this section and sections 4 to 12, inclusive, of this act. The demonstration must include, without limitation, proof that the external review organization employs, contracts with or otherwise retains only persons who are qualified because of their education, training, professional licensing and experience to perform the duties assigned to those persons; and

(b) Provide assurances satisfactory to the commissioner that the external review organization will:

(1) Conduct its external review activities in accordance with the provisions of this section and sections 4 to 12, inclusive, of this act;

(2) Provide its determinations in a clear, consistent, thorough and timely manner; and

(3) Avoid conflicts of interest.

4. For the purposes of this section, an external review organization has a conflict of interest if the external review organization or any employee, agent or contractor of the external review organization who conducts an external review has a material professional, familial or financial interest in any person who has a substantial interest in the outcome of the external review, including, without limitation:

(a) The insured;

(b) The insurer or any officer, director or management employee of the insurer;

(c) The provider of health care services that are provided or proposed to be provided, his partner or any other member of his medical group or practice;

(d) The hospital or other licensed health care facility where the health care service or treatment that is subject to external review has been or will be provided; or

(e) A developer, manufacturer or other person who has a substantial interest in the principal procedure, equipment, drug, device or other instrumentality that is the subject of the external review.

5. The commissioner shall not certify an external review organization that is affiliated with:

(a) A health care plan; or

(b) A national, state or local trade association.

6. *An external review organization that is certified or accredited by an accrediting body that is nationally recognized shall be deemed to have satisfied all the conditions and qualifications required for certification pursuant to this section.*

7. *The commissioner may charge and collect a fee for issuing or renewing a certificate of an external review organization pursuant to this section. The fee must not exceed the cost of issuing or renewing the certificate.*

8. *The commissioner shall annually prepare and make available to the general public a list that includes the name of each external review organization which is issued a certificate or whose certificate is renewed pursuant to this section during the year immediately preceding the year in which the commissioner prepares the list.*

9. *As used in this section:*

(a) *“External review organization” has the meaning ascribed to it in section 6 of this act.*

(b) *“Final adverse determination” has the meaning ascribed to it in section 7 of this act.*

(c) *“Provider of health care” means any physician or other person who is licensed, certified or otherwise authorized in this state or any other state to provide any health care service.*

Sec. 2. NRS 695C.260 is hereby amended to read as follows:

695C.260 ~~[Every]~~ *Each health maintenance organization shall establish [a]:*

1. *A complaint system which complies with the provisions of NRS 695G.200 to 695G.230, inclusive [–]; and*

2. *A system for conducting external reviews of final adverse determinations that complies with the provisions of sections 4 to 12, inclusive, of this act.*

Sec. 3. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 12, inclusive, of this act.

Sec. 4. *“Authorized representative” means a person who has obtained the consent of an insured to represent him in an external review of a final adverse determination conducted pursuant to sections 4 to 12, inclusive, of this act.*

Sec. 5. *“Clinical peer” means a physician who is:*

1. *Engaged in the practice of medicine; and*

2. *Certified or is eligible for certification by the board of medical examiners in the same or similar area of practice as is the health care service that is the subject of a final adverse determination.*

Sec. 6. *“External review organization” means an organization that:*

1. *Conducts an external review of a final adverse determination;*

2. *Is certified by the commissioner in accordance with section 1 of this act; and*

3. *Has contracted with the director of the office for consumer health assistance to conduct external reviews of final adverse determinations pursuant to subsection 8 of NRS 223.560.*

Sec. 7. *“Final adverse determination” means a final decision of a managed care organization to deny, reduce or terminate coverage for health care services or to deny payment for those services concerning a complaint filed pursuant to NRS 695G.200 because the health care services were determined to be:*

1. *Not medically necessary; or*
2. *Experimental or investigational.*

The term does not include a determination relating to a claim for workers' compensation pursuant to chapters 616A to 617, inclusive, of NRS.

Sec. 8. *“Medically necessary” means health care services or products that a prudent physician would provide to a patient to prevent, diagnose or treat an illness, injury or disease or any symptoms thereof that are:*

1. *Provided in accordance with generally accepted standards of medical practice;*
2. *Clinically appropriate with regard to type, frequency, extent, location and duration; and*
3. *Not primarily provided for the convenience of the patient, physician or other provider of health care.*

Sec. 8.3. *“Office for consumer health assistance” means the office for consumer health assistance in the office of the governor.*

Sec. 8.5. *In carrying out its duties set forth in sections 4 to 12, inclusive, of this act, each managed care organization shall adopt procedures to ensure that the organization and its employees cooperate fully with an external review organization that is conducting a review of a final adverse determination or conducting a review pursuant to section 10.5 of this act, including, without limitation, providing all documents and materials relating to the determination in an accurate, fair, impartial and complete manner.*

Sec. 9. 1. *Except as otherwise provided in section 10.5 of this act, if an insured or a physician of an insured receives notice of a final adverse determination from a managed care organization concerning the insured, and if the insured is required to pay \$500 or more for the health care services that are the subject of the final adverse determination, the insured, the physician of the insured or an authorized representative may, within 60 days after receiving notice of the final adverse determination, submit a request to the managed care organization for an external review of the final adverse determination.*

2. *Within 5 days after receiving a request pursuant to subsection 1, the managed care organization shall notify the insured, his authorized representative or his physician, the agent who performed utilization review for the managed care organization, if any, and the office for consumer health assistance that the request has been filed with the managed care organization.*

3. *Within 5 days after receiving a notification pursuant to subsection 2, the office for consumer health assistance shall:*

(a) Randomly select an external review organization to conduct an external review of the final adverse determination;

(b) Notify the external review organization that it has been selected to conduct the external review; and

(c) Notify the insured, his authorized representative or his physician, the agent who performed utilization review for the managed care organization, if any, and the managed care organization of the external review organization selected to conduct the external review.

4. *Upon notification by the office for consumer health assistance of the external review organization selected pursuant to subsection 3, the managed care organization shall provide to the external review organization all documents and other materials relating to the final adverse determination, including, without limitation:*

(a) Any medical records of the insured relating to the external review;

(b) A copy of the provisions of the health care plan upon which the final adverse determination was based;

(c) Any documents used by the managed care organization to make the final adverse determination;

(d) A statement of the reasons for the final adverse determination; and

(e) Insofar as practicable, a list that specifies each provider of health care who has provided health care to the insured and the medical records of the provider of health care relating to the external review.

Sec. 10. 1. *Except as otherwise provided in section 10.5 of this act, upon receipt of a request for an external review pursuant to section 9 of this act, the external review organization shall, within 5 days after receiving the request:*

(a) Review the request and the documents and materials submitted pursuant to section 9 of this act; and

(b) Notify the insured, his physician and the managed care organization if any additional information is required to conduct a review of the final adverse determination.

2. *The external review organization shall approve, modify or reverse the final adverse determination within 15 days after it receives the information required to make that determination pursuant to this section. The external review organization shall submit a copy of its determination, including the reasons therefor, to:*

(a) The insured;

(b) The physician of the insured;

(c) The authorized representative of the insured, if any;

(d) The managed care organization; and

(e) The director of the office for consumer health assistance.

3. *In making a determination pursuant to this section, an external review organization or any clinical peer who conducts or participates in an external*

review of a final adverse determination for the external review organization shall consider, without limitation:

- (a) The medical records of the insured;*
- (b) Any recommendations of the physician of the insured;*
- (c) Any generally accepted medical guidelines, including guidelines established by the Federal Government or any national or professional society, board or association that establishes such guidelines, if approved by the commissioner for consideration by the external review organization; and*
- (d) Any applicable criteria relating to utilization review established and used by the managed care organization or the agent it designates to perform utilization review.*

Sec. 10.5. 1. If a managed care organization receives a request pursuant to subsection 1 of section 9 of this act and proof from the insured's provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured, the managed care organization shall, not later than 72 hours after it receives such proof:

- (a) Notify the insured, his authorized representative or his physician, the agent who performed utilization review for the managed care organization, if any, and, except as otherwise provided in subsection 6, the office for consumer health assistance that the request has been filed with the managed care organization; and*
- (b) Except as otherwise provided in subsection 6, provide to the office for consumer health assistance all documents and other materials set forth in subsection 4 of section 9 of this act.*

2. Not later than 1 working day after being notified by a managed care organization pursuant to subsection 1 that a request for an expedited review has been filed, the office for consumer health assistance shall:

- (a) Randomly select an external review organization to conduct an external review of the final adverse determination;*
- (b) Notify the external review organization that it has been selected to conduct the external review and provide the documents and other materials it received from the managed care organization pursuant to paragraph (b) of subsection 1 to the external review organization; and*
- (c) Notify the insured, his authorized representative or his physician, the agent who performed utilization review for the managed care organization, if any, and the managed care organization of the external review organization selected to conduct the external review.*

3. An external review organization that receives a request for an external review pursuant to subsection 2 shall, not later than 2 working days after receiving the request, approve, modify or reverse the final adverse determination, unless the managed care organization and the insured or his authorized representative consent to a longer period of time. The external review organization shall, not later than 1 working day after the external review is completed, provide notification of its determination by telephone, including the reasons therefor, to:

- (a) *The insured;*
- (b) *The physician of the insured;*
- (c) *The authorized representative of the insured, if any;*
- (d) *The managed care organization; and*
- (e) *The director of the office for consumer health assistance.*

4. *Not later than 5 working days after the external review is completed, the external review organization shall provide its determination, including the reasons therefor, in writing to the persons listed in subsection 3.*

5. *In making a determination pursuant to this section, an external review organization or any clinical peer who conducts or participates in an external review of a final adverse determination for the external review organization shall consider the list of considerations set forth in subsection 3 of section 10 of this act.*

6. *The office for consumer health assistance shall make reasonable arrangements to be available 24 hours a day, 7 days a week, including weekends and holidays, to receive a notice, documents and other materials pursuant to subsection 1. If the managed care organization that is required to provide a notice pursuant to subsection 1 finds that the office for consumer health assistance is not available to receive the notice, the managed care organization shall provide the notice and any documents and other materials to the division of mental health and developmental services of the department of human resources. If the division of mental health and developmental services receives a notice, documents or other materials pursuant to this subsection, it shall forward them to the office for consumer health assistance the following business day.*

7. *Any notice or other information required to be provided pursuant to this section must be sent by the most expeditious method possible, including, without limitation, facsimile or electronic mail, or conveyed orally by telephone.*

Sec. 11. 1. *If the decision of an external review organization on a request for external review is in favor of the insured, the decision is final, conclusive and binding upon the managed care organization.*

2. *An external review organization or any clinical peer who conducts or participates in an external review of a final adverse determination for the external review organization is not liable in a civil action for damages relating to a determination made by the external review organization if the determination is made in good faith.*

3. *The cost of conducting an external review of a final adverse determination pursuant to sections 4 to 12, inclusive, of this act must be paid to the office for consumer assistance by the managed care organization that made the final adverse determination.*

Sec. 12. *In lieu of resolving a complaint of an insured in accordance with a system for resolving complaints established pursuant to the provisions of NRS 695G.200, a managed care organization may:*

1. *Submit the complaint to an external review organization pursuant to the provisions of sections 4 to 12, inclusive, of this act; or*

2. *If a federal law or regulation provides a procedure for submitting the complaint for resolution that the commissioner determines is substantially similar to the procedure for submitting the complaint to an external review organization pursuant to sections 4 to 12, inclusive, of this act, submit the complaint for resolution in accordance with the federal law or regulation.*

Sec. 13. NRS 695G.010 is hereby amended to read as follows:

695G.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 695G.020 to 695G.080, inclusive, and sections 4 to 8.3, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 14. NRS 695G.210 is hereby amended to read as follows:

695G.210 1. ~~[A]~~ *Except as otherwise provided in section 12 of this act, a system for resolving complaints created pursuant to NRS 695G.200 must include, without limitation, an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members of the review board must be insureds who receive health care services from the managed care organization.*

2. *Except as otherwise provided in subsection 3, a review board shall complete its review regarding a complaint or appeal and notify the insured of its determination not later than 30 days after the complaint or appeal is filed, unless the insured and the review board have agreed to a longer period . ~~[of time.]~~*

3. *If a complaint involves an imminent and serious threat to the health of the insured, the managed care organization shall inform the insured immediately of his right to an expedited review of his complaint. If an expedited review is required, the review board shall notify the insured in writing of its determination within 72 hours after the complaint is filed.*

4. *Notice provided to an insured by a review board regarding a complaint must include, without limitation, an explanation of any further rights of the insured regarding the complaint that are available under his health care plan.*

Sec. 15. NRS 695G.230 is hereby amended to read as follows:

695G.230 1. ~~[Following]~~ *After approval by the commissioner, each managed care organization shall provide a written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint and to obtain an expedited review pursuant to NRS 695G.210. Such a notice must be provided to an insured:*

(a) *At the time he receives his certificate of coverage or evidence of coverage;*

(b) *Any time that the managed care organization denies coverage of a health care service or limits coverage of a health care service to an insured; and*

(c) Any other time deemed necessary by the commissioner.

2. ~~[Any time that]~~ If a managed care organization denies coverage of a health care service to an insured, including, without limitation, a health maintenance organization that denies a claim related to a health care plan pursuant to NRS 695C.185, it shall notify the insured in writing within 10 working days after it denies coverage of the health care service of:

(a) The reason for denying coverage of the service;

(b) The criteria by which the managed care organization or insurer determines whether to authorize or deny coverage of the health care service;
~~[and]~~

(c) His right to ~~[file]~~ :

(1) *File a written complaint and the procedure for filing such a complaint* ~~[]~~ ;

(2) *Appeal a final adverse determination pursuant to sections 4 to 12, inclusive, of this act;*

(3) *Receive an expedited external review of a final adverse determination if the managed care organization receives proof from the insured's provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured, including notification of the procedure for requesting the expedited external review; and*

(4) *Receive assistance from any person, including an attorney, for an external review of a final adverse determination; and*

(d) *The telephone number of the office for consumer health assistance.*

3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 16. NRS 223.560 is hereby amended to read as follows:

223.560 The director shall:

1. Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

2. Assist consumers and injured employees in understanding their rights and responsibilities under health care plans and policies of industrial insurance;

3. Identify and investigate complaints of consumers and injured employees regarding their health care plans and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(a) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(b) Providing counseling and assistance to consumers and injured employees concerning health care plans and policies of industrial insurance;

4. Provide information to consumers and injured employees concerning health care plans and policies of industrial insurance in this state;

5. Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the office;

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the director pursuant to this section; ~~and~~

7. In appropriate cases and pursuant to the direction of the governor, refer a complaint or the results of an investigation to the attorney general for further action ~~[-]~~; *and*

8. *On or before January 1 of each year, and in accordance with regulations adopted by the commissioner of insurance, contract with at least two external review organizations that are certified by the commissioner of insurance pursuant to section 1 of this act to conduct external reviews of final adverse determinations in accordance with the provisions of sections 4 to 12, inclusive, of this act. A contract entered into pursuant to this subsection may be renewed by the director.*

Sec. 17. NRS 223.580 is hereby amended to read as follows:

223.580 On or before February 1 of each year, the director shall submit a written report to the governor, and to the director of the legislative counsel bureau for transmittal to the appropriate committee or committees of the legislature. The report must include, without limitation:

1. A statement setting forth the number and geographic origin of the written and telephonic inquiries received by the office and the issues to which those inquiries were related;

2. A statement setting forth the type of assistance provided to each consumer and injured employee who sought assistance from the director, including, without limitation, the number of referrals made to the attorney general pursuant to subsection 7 of NRS 223.560; ~~and~~

3. A statement setting forth the disposition of each inquiry and complaint received by the director ~~[-]~~; *and*

4. *A statement setting forth the number of external reviews conducted by external review organizations pursuant to sections 4 to 12, inclusive, of this act and the disposition of each of those reviews.*

Sec. 18. This act becomes effective upon passage and approval for the purpose of adopting regulations by the commissioner of insurance to carry out the provisions of this act and on July 1, 2002, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; requiring an external review organization to be certified by the commissioner of insurance before conducting an external review of a final adverse determination of a managed care organization or health maintenance organization; authorizing an insured under certain health care plans to submit to a managed care organization or health maintenance organization a request for such a review under certain circumstances; requiring an external review organization to approve, modify

or reverse a final adverse determination within a certain period; providing that an external review organization is not liable in a civil action for damages relating to a determination issued by the external review organization under certain circumstances; requiring the director of the office for consumer health assistance in the office of the governor to contract with certain external review organizations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for external review of certain determinations made by managed care and health maintenance organizations. (BDR 57-676)”.

Amend the bill as a whole by adding the following assemblywoman as a primary joint sponsor:

Assemblywoman Buckley.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 362.

Bill read second time.

The following amendment was proposed by the Select Committee on Energy:

Amendment No. 955.

Amend sec. 4, page 2, by deleting lines 1 through 3 and inserting:

“Sec. 4. 1. *“Other permitting entity” means any state or local entity:*

(a) That is responsible for the enforcement of environmental laws and”.

Amend sec. 4, page 2, line 8, by deleting “2.” and inserting “(b)”.

Amend sec. 4, page 2, between lines 12 and 13, by inserting:

“2. *The term does not include the commission or the state engineer.”.*

Amend sec. 8, page 3, line 16, by deleting “that” and inserting “the”.

Amend sec. 8, page 3, line 23, before “application” by inserting “amended”.

Amend sec. 11, page 4, by deleting lines 30 and 31 and inserting: “construction of the utility facility, file with the commission and each other permitting entity an application, in such a form as the commission or other permitting entity prescribes, containing:”.

Amend sec. 11, page 4, by deleting lines 37 through 39 and inserting: “statement relating to the construction of the utility facility:

(1) *File with the commission an amended application that complies with the provisions of subsection 1; and*

(2) *File with each other permitting entity an amended application for a permit, license or other approval for the construction of the utility facility.”.*

Amend sec. 11, page 4, line 40, before “must” by inserting: “filed with the commission”.

Amend sec. 11, page 4, line 43, before “must” by inserting: “filed with the commission”.

Amend sec. 12, page 5, line 13, by deleting “[30] 15” and inserting “30”.

Amend sec. 12, page 5, line 18, by deleting “[30] 15” and inserting “30”.

Amend sec. 12, page 5, line 27, by deleting “[30] 15” and inserting “30”.

Amend sec. 12, page 5, line 30, by deleting “[30] 15” and inserting “30”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 859.

Amend sec. 50, page 24, line 13, by deleting “and”.

Amend sec. 50, page 24, line 14, by deleting “crime.” and inserting: “crime; and

(5) The advisory council for prosecuting attorneys.”.

Amend sec. 53, page 25, line 18, by deleting “either”.

Amend sec. 53, page 25, lines 35 and 40, by deleting “own”.

Amend sec. 53, page 26, line 10, by deleting “own”.

Amend sec. 53, page 26, lines 11 and 12, by deleting: “bureau of alcohol and drug abuse in” and inserting: “health division of”.

Amend sec. 53, page 26, line 21, by deleting:

“For the purposes of” and inserting:

“As used in”.

Amend sec. 73, page 34, line 40, by deleting “49” and inserting “49, 51”.

Amend sec. 73, page 34, between lines 41 and 42, by inserting:

“3. Section 50 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblymen Price and Gustavson.

Roll call on Assembly Joint Resolution No. 9:

YEAS—31.

NAYS—Arberry, Buckley, Freeman, Giunchigliani, Goldwater, Koivisto, Leslie, McClain, Ocegüera, Ohrenscha11—10.

EXCUSED—Beers.

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

The following amendment was proposed by the Assemblywoman Von Tobel:

Amendment No. 1034.

Amend section 1, page 2, by deleting lines 15 through 18 and inserting: "~~M.]~~ south along center 1/4 section line through sections 3, 10, 15 and 22 to the south quarter corner of section 22, T. 20 S., R. 54 E.; thence east along the north boundary of sections 27, 26 and 25, T. 20 S., R. 54 E. to the range line between Ranges 54 and 55 E., M.D.B. & M.; thence southerly along that range line to the northeast corner of the SE 1/4 of the SE 1/4 of section 12, T. 21 S., R. 54 E.; thence westerly along the north line of the S 1/2 of the S 1/2 of said section 12 to the northeast corner of the SE 1/4 of the SE 1/4 of section 11, T. 21 S., R. 54 E.; thence westerly along the north line of said SE 1/4 of the SE 1/4 of section 11 to the northwest corner of said SE 1/4 of the SE 1/4 of section 11; thence southerly along the west line of said SE 1/4 of the SE 1/4 of section 11 to the southwest corner of said SE 1/4 of the SE 1/4 of section 11; thence easterly along the south line of sections 11 and 12, T. 21 S., R. 54 E., to the range line between Ranges 54 and 55 E., M.D.B. & M.; thence southerly along that range line to the intersection of the state line between Nevada and California."

Assemblywoman Von Tobel moved the adoption of the amendment.

Remarks by Assemblymen Von Tobel, Neighbors, Bache, Tiffany and Anderson.

Amendment lost.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:13 p.m.

ASSEMBLY IN SESSION

At 2:27 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblymen Bache, Smith, Arberry and Neighbors.

Roll call on Senate Bill No. 395:

YEAS—33.

NAYS—Angle, Bache, Beers, Brower, Giunchigliani, Gustavson, Humke, Smith, Von Tobel—9.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Senate Bill No. 330 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Dini.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 565 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 330.

Bill read third time.

Roll call on Senate Bill No. 330:

YEAS—42.

NAYS—None.

Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 565.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1061.

Amend section 1, page 1, line 6, by deleting “*may*” and inserting “*shall*”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 425 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 914.

Amend sec. 2, page 1, line 3, by deleting “On” and inserting: “*Except as otherwise provided in section 4.5 of this act, on*”.

Amend sec. 2, page 1, by deleting lines 9 and 10 and inserting:
“unless:

1. *The public utility willingly agrees to the acquisition or expansion; and*
2. *The board of county commissioners complies with the provisions of section 5 of this act.*”.

Amend sec. 3, page 1, line 11, by deleting “On” and inserting: “*Except as otherwise provided in section 4.5 of this act, on*”.

Amend sec. 3, page 1, by deleting lines 17 and 18 and inserting:
“unless:

- (a) *The public utility willingly agrees to the acquisition or expansion; and*
- (b) *The board of county commissioners complies with the provisions of section 5 of this act.*”.

Amend sec. 4, page 2, line 4, by deleting “On” and inserting: “*Except as otherwise provided in section 4.5 of this act, on*”.

Amend sec. 4, page 2, by deleting lines 10 and 11 and inserting:
“unless:

1. *The public utility willingly agrees to the acquisition or expansion; and*
2. *The board of county commissioners complies with the provisions of section 5 of this act.*”.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

“Sec. 4.5. *Sections 2, 3 and 4 of this act do not apply to:*

1. *Services provided by the county to another department, division or agency of the county or to another governmental entity if the governing body of that governmental entity is the board of county commissioners; or*
2. *Expansion of services provided by the county to an area which is contiguous to an area of existing development where the county already provides services.*”.

Amend sec. 5, page 2, line 18, by deleting “Prepares” and inserting “Prepare”.

Amend sec. 5, page 2, line 20, by deleting “Causes” and inserting “Cause”.

Amend sec. 5, page 2, line 24, by deleting “Holds” and inserting “Hold”.

Amend sec. 5, page 2, line 26, by deleting “Complies” and inserting “Comply”.

Amend sec. 13, page 6, line 3, by deleting “On” and inserting:

“Except as otherwise provided in section 15.5 of this act, on”.

Amend sec. 13, page 6, by deleting lines 9 and 10 and inserting:
“unless:

- 1. The public utility willingly agrees to the acquisition or expansion; and*
- 2. The governing body complies with the provisions of section 16 of this act.”.*

Amend sec. 14, page 6, line 11, by deleting *“On”* and inserting: *“Except as otherwise provided in section 15.5 of this act, on”.*

Amend sec. 14, page 6, by deleting lines 16 and 17 and inserting: *“subject to the provisions of chapter 704 of NRS, unless:*

- (a) The public utility willingly agrees to the acquisition or expansion; and*
- (b) The governing body complies with the provisions of section 16 of this act.”.*

Amend sec. 15, page 6, line 21, by deleting *“On”* and inserting: *“Except as otherwise provided in section 15.5 of this act, on”.*

Amend sec. 15, page 6, by deleting lines 26 and 27 and inserting: *“is subject to the provisions of chapter 711 of NRS, unless:*

- 1. The public utility willingly agrees to the acquisition or expansion; and*
- 2. The governing body complies with the provisions of section 16 of this act.”.*

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

“Sec. 15.5. Sections 13, 14 and 15 of this act do not apply to:

- 1. Services provided by the city to another department, division or agency of the city or to another governmental entity if the governing body of that governmental entity is the governing body of the city; or*
- 2. Expansion of services provided by the city to an area which is contiguous to an area of existing development where the city already provides services.”.*

Amend sec. 16, page 6, line 33, by deleting *“Prepares”* and inserting *“Prepare”.*

Amend sec. 16, page 6, line 35, by deleting *“Causes”* and inserting *“Cause”.*

Amend sec. 16, page 6, line 39, by deleting *“Holds”* and inserting *“Hold”.*

Amend sec. 16, page 6, line 41, by deleting *“Complies”* and inserting *“Comply”.*

Amend sec. 22, page 10, line 20, by deleting *“On”* and inserting: *“Except as otherwise provided in section 24.5 of this act, on”.*

Amend sec. 22, page 10, by deleting lines 26 and 27 and inserting:
“unless:

- 1. The public utility willingly agrees to the acquisition or expansion; and*
- 2. The general improvement district complies with the provisions of section 25 of this act.”.*

Amend sec. 23, page 10, line 28, by deleting *“On”* and inserting: *“Except as otherwise provided in section 24.5 of this act, on”.*

Amend sec. 23, page 10, by deleting lines 34 and 35 and inserting:
“unless:

(a) *The public utility willingly agrees to the acquisition or expansion; and*
(b) *The general improvement district complies with the provisions of section 25 of this act.”.*

Amend sec. 24, page 10, line 39, by deleting “On” and inserting: “*Except as otherwise provided in section 24.5 of this act, on*”.

Amend sec. 24, page 10, by deleting lines 45 and 46 and inserting:
“unless:

1. *The public utility willingly agrees to the acquisition or expansion; and*
2. *The general improvement district complies with the provisions of section 25 of this act.”.*

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

“Sec. 24.5. *Sections 22, 23 and 24 of this act do not apply to:*

1. *Services provided by the general improvement district to another department, division or agency of the general improvement district or to another governmental entity if the governing body of that governmental entity is the board of trustees of the general improvement district; or*

2. *Expansion of services provided by the general improvement district to an area which is contiguous to an area of existing development where the general improvement district already provides services.”.*

Amend sec. 25, page 11, line 4, by deleting “*Prepares*” and inserting “*Prepare*”.

Amend sec. 25, page 11, line 6, by deleting “*Causes*” and inserting “*Cause*”.

Amend sec. 25, page 11, line 10, by deleting “*Holds*” and inserting “*Hold*”.

Amend sec. 25, page 11, line 12, by deleting “*Complies*” and inserting “*Comply*”.

Amend sec. 33, page 17, line 26, by deleting “Notwithstanding” and inserting:

“*Except as otherwise provided in section 1 of Senate Bill No. 211 of this ~~act~~ session, notwithstanding*”.

Amend the bill as a whole by deleting sections 55 through 57 and inserting:

“Secs. 55-57. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section designated sec. 83.5, following sec. 83, to read as follows:

“Sec. 83.5. Sections 40 and 59 of Assembly Bill No. 11 of this session are hereby amended to read as follows:

Sec. 40. Section 2.330 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as follows:

Sec. 2.330 Powers of ~~[board of supervisors;]~~ *city council*: Provision of utilities. Except as otherwise provided in sections 13, 14 and 15 of *Senate Bill No. 425* of this ~~[act, the board of supervisors]~~ *session, the city council* may:

1. Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

2. Provide for the construction of any facility necessary for the provision of ~~[such]~~ *the* utilities.

3. Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and ~~[shall]~~ *may* be perfected by filing with the county recorder of Elko County a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien ~~[shall]~~ *must*:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

Sec. 59. Section 6.010 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of Nevada 1983, at page 873, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in sections 13, 14 and 15 of *Senate Bill No. 425* of this ~~[act, the board of supervisors;]~~ *session, the city council*, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; and
13. Water projects.”.

Amend sec. 84, page 46, line 41, by deleting “April” and inserting “July”.

Amend the title of the bill, third line, by deleting “utilities;” and inserting: “utilities in certain circumstances; providing an exception;”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that the vote whereby Senate Bill No. 257 was passed be rescinded.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 257.

Bill read third time.

Roll call on Senate Bill No. 257:

YEAS—36.

NAYS—Arberry, Bache, Giunchigliani, Goldwater, Leslie, Perkins—6.

Senate Bill No. 257 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 294.

The following Senate amendment was read:

Amendment No. 753.

Amend sec. 3, page 3, line 14, by deleting “*subsection 3*” and inserting “*this section*”.

Amend sec. 3, page 3, line 38, by deleting “*sealed.*” and inserting: “*automatically sealed when the child reaches 21 years of age.*”

4. *Except as otherwise provided in NRS 62.600, a child whose record has not been automatically sealed pursuant to subsection 2 may petition for the sealing of all records relating to the child after the child reaches 30 years of age.*”.

Amend sec. 3, page 3, line 39, by deleting “4.” and inserting “5.”.

Amend sec. 3, page 3, by deleting line 41 and inserting: “*petitioner. If a petition is filed pursuant to subsection 4, the court shall notify the district attorney of the county. The district attorney, a probation officer, any of their deputies or*”.

Amend sec. 3, page 3, by deleting line 44 and inserting:

“~~3.~~ 6. If, after ~~the hearing,~~ a hearing on a petition filed pursuant to subsection 1, the court finds that, ~~since such termination~~”.

Amend sec. 3, page 4, by deleting line 8 and inserting:

“~~5.~~ 7. *If, after a hearing on a petition filed pursuant to subsection 4, the court finds that, in the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records, papers*

and exhibits in the child's case in the custody of the juvenile court, district court, justice's court, municipal court, probation officer, law enforcement agency or any other agency or public official. Other records relating to the case, in the custody of such other agencies and officials as are named in the order, may also be ordered sealed.

8. The court shall send a copy of the order sealing the records of a".

Amend sec. 3, page 4, line 14, by deleting "7." and inserting "9."

Amend sec. 3, page 4, line 19, by deleting "8." and inserting "10."

Amend sec. 3, page 4, line 22, by deleting "9." and inserting "11."

Amend sec. 3, page 4, line 26, by deleting "10." and inserting "12."

Amend sec. 3, page 4, line 29, by deleting "11." and inserting "13."

Amend sec. 3, page 4, line 31, by deleting "12." and inserting "14."

Amend sec. 3, page 4, line 35, by deleting "13." and inserting "15."

Amend the title of the bill, third line, after "records" by inserting "automatically".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 294.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 344.

The following Senate amendment was read:

Amendment No. 756.

Amend section 1, page 2, line 10, by deleting the brackets and strike-through.

Amend section 1, page 2, lines 12 and 13, by deleting the brackets and strike-through.

Amend section 1, page 2, lines 21 and 22, by deleting the brackets and strike-through.

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. Section 1 of Senate Bill No. 31 of this session is hereby amended to read as follows:

Section 1. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail; ~~or~~

(5) A justice of the supreme court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph [---]; or

(6) *An employee of the state or a political subdivision of the state whose official duties require him to make home visits.*

(c) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(d) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(e) "Taxicab driver" means a person who operates a taxicab.

(f) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) *or* (d) of this subsection does not apply to the circumstances of the crime and the assault is not made with *the* use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with *the* use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) *If paragraph (d) of this subsection does not apply to the circumstances of the crime and if the assault is committed upon an officer, a school employee, a taxicab driver or a transit operator who is performing his duty and the person charged knew or should have known that the victim was an officer, school employee, taxicab driver or transit operator, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.*

(d) If the assault is committed upon an officer, a school employee, a taxicab driver or a transit operator who is performing his duty by a probationer, a prisoner who is in lawful custody or confinement or a parolee and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, school employee, taxicab driver or transit operator, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 3. The amendatory provisions of this act do not apply to offenses committed before the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 344.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 302.

The following Senate amendment was read:

Amendment No. 854.

Amend sec. 6, page 3, by deleting lines 40 through 49 and inserting:

“(a) Successfully completed an accredited 4-year program of study, or its equivalent, in Oriental medicine that is approved by the board; and

(b) Passed the examinations required by NRS 634A.120; or

2. Has:

(a) Successfully completed a 4-year program, or its equivalent, in Oriental medicine at a school or college of Oriental medicine that is approved by the board;”.

Amend sec. 6, page 4, line 1, after “state” by inserting: “or foreign country”.

Amend sec. 6, page 4, line 5, by deleting “634A.120; or” and inserting “634A.120.”.

Amend sec. 6, page 4, by deleting lines 6 through 14.

Amend sec. 15, page 8, by deleting line 35 and inserting: “after June 30, 1999, and before the effective date of this act.”.

Amend sec. 16, page 8, line 38, by deleting: “October 1, 2001,” and inserting: “the effective date of this act,”.

Amend the bill as a whole by adding a new section designated sec. 17, following sec. 16, to read as follows:

“Sec. 17. This act becomes effective upon passage and approval.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 302.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 622.

The following Senate amendment was read:

Amendment No. 850.

Amend sec. 12, page 4, line 29, by deleting “\$100” and inserting “\$250”.

Amend sec. 12, page 5, line 2, by deleting “\$50.” and inserting “\$150.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 622.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 192.

The following Senate amendment was read:

Amendment No. 851.

Amend section 1, page 1, by deleting lines 10 and 11 and inserting:

“(b) Have at least ~~two instructors~~ :

(1) *One instructor* on the premises of the barber school at all times if ”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 192.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:50 p.m.

ASSEMBLY IN SESSION

At 3:52 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Elections, Procedures, and Ethics.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Joint Resolution No. 14 and Senate Bill No. 165 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 968.

Amend the resolution, page 1, line 2, by deleting “section 32” and inserting: “sections 25 and 32”.

Amend the resolution, page 1, line 3, after “read” by inserting “respectively”.

Amend the resolution, page 1, between lines 3 and 4, by inserting:

“Sec. 25. The Legislature shall establish a system of County and Township Government. ~~[which shall be uniform throughout the State.]~~”.

Amend the resolution, page 1, line 8, by deleting “people,” and inserting: “people ~~to~~ *or their appointment*,”.

Amend the title of the resolution by deleting the second and third lines and inserting: “Nevada to remove the requirements that the system for county and township government be uniform and that the Legislature fix the compensation of county officers and to authorize the Legislature to provide for the appointment of county officers.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Proposes to amend Nevada Constitution to revise certain provisions relating to system of county and township government and county officers. (BDR C-1526)”.

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Mortenson moved that upon return from the printer Assembly Joint Resolution No. 14 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 524 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblywoman Koivisto moved that Senate Bill No. 544 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblywoman Koivisto.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1041.

Amend sec. 10, pages 13 and 14, by deleting lines 42 through 48 on page 13 and lines 1 through 4 on page 14, and inserting:

“386.605 1. On or before ~~[April 15]~~ *January 1* of each year, the governing body of each charter school shall submit the information concerning the charter school that is ~~[contained in the report]~~ required pursuant to subsection 2 of NRS 385.347 to the ~~[-~~

~~(a) Governor;~~

~~(b) State board;~~

~~(c) Department;~~

~~(d) Legislative committee on education created pursuant to NRS 218.5352; and~~

~~(e) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.]~~ *board of trustees of the school district in which the charter school is located, for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.”.*

Amend sec. 10, page 14, by deleting lines 6 and 7 and inserting: “charter school shall submit the information ~~[prepared by the governing body]~~ *applicable to the charter school* that is contained in the report pursuant to paragraph (t) of subsection 2 of”.

Amend sec. 10, page 15, line 4, by deleting “and” and inserting “[~~and~~]”.

Amend sec. 10, page 15, line 6, by deleting “218.5356.” and inserting: “218.5356 ~~[-]~~; and

(f) Board of trustees of the school district in which the charter school is located.”.

Amend sec. 14, page 19, line 12, after “(d)” by inserting: “Administered in each school in accordance with the plan adopted pursuant to section 2 of *Assembly Bill No. 214* of this ~~[act]~~ session by the department and with the plan adopted pursuant to section 4 of *Assembly Bill No. 214* of this ~~[act]~~ session by the board of trustees of the school district in which the examinations are administered. The department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the department.

(e)”.

Amend sec. 16, page 23, line 16, by deleting “(c)” and inserting “(c)”.

Amend the bill as a whole by renumbering sec. 20 as sec. 21 and adding a new section designated sec. 20, following sec. 19, to read as follows:

“Sec. 20. Section 5 of Senate Bill No. 36 of this session is hereby amended to read as follows:

Sec. 5. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the superintendent of public

instruction and the department of taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal year immediately preceding the report.

(d) The school district's proposed expenditures for the current fiscal year.

(e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the superintendent of public instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(j) *The expenditures from the account created pursuant to subsection 3 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year, and the specific amount spent on books and computer hardware and software for each grade level in the district.*

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the apportionment received by those districts from the state distributive school account for the preceding year.”.

Amend sec. 20, page 25, by deleting line 24 and inserting:

“Sec. 21. 1. This section and sections 1 to 13, inclusive, and 15 to 20, inclusive, of this act become effective on July 1, 2001.

2. Section 14 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 524.

Bill read third time.

The following amendment was proposed by Assemblywoman Chowning:

Amendment No. 1011.

Amend sec. 2, page 1, by deleting line 4 and inserting: “*otherwise requires:*

1. “*Document*” means an application, notice, report,”.

Amend sec. 2, page 1, between lines 8 and 9 by inserting:

“2. The term does not include a certificate of ownership, certificate of title or power of attorney which:

(a) Contains a disclosure of the odometer reading of a vehicle;

(b) Is signed by the transferor and transferee of the vehicle; and

(c) Is printed by means of a secure printing process.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 544.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 992.

Amend section 1, page 2, between lines 27 and 28, by inserting:

~~“(5) If authorized by federal law, a prescription transmitted electronically is not required to be written and signed entirely by hand by the practitioner who issued the prescription.”.~~

Amend section 1, page 2, line 43, by deleting “*The*” and inserting: “*Except as otherwise provided in this subsection, the*”.

Amend section 1, page 2, line 46, after “*law.*” by inserting:

“The regulations adopted pursuant to paragraph (b) of subsection 2 for the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance must not be more stringent than federal law governing the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance or the rules, regulations or orders of any federal agency administering such law.”.

Amend sec. 11, page 5, by deleting lines 37 and 38 and inserting:

“(d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the board.”.

Amend sec. 11, page 6, by deleting lines 7 through 14 and inserting:

“4. Each written prescription must be written in such a manner that any”.

Amend sec. 11, page 6, between lines 18 and 19, by inserting:

“5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law.

6. *A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:*

(a) *It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner; or*

(b) *A voice recognition system, biometric identification technique or other security system approved by the board is used to identify the practitioner.”.*

Amend sec. 12, page 6, line 30, by deleting “or private”.

Amend the bill as a whole by renumbering sections 13 through 15 as sections 14 through 16 and adding a new section designated sec. 13, following sec. 12, to read as follows:

“Sec. 13. Section 2 of Assembly Bill No. 415 of this session is hereby amended to read as follows:

Sec. 2. NRS 639.0745 is hereby amended to read as follows:

639.0745 1. The board may adopt regulations concerning ~~the~~ ~~(a) The~~ the transfer of information between pharmacies relating to prescriptions.

~~((b))~~ 2. The board shall adopt regulations concerning the electronic transmission and the transmission by a facsimile machine of a prescription from a practitioner to a pharmacist for the dispensing of a drug.

~~[2.]~~ The regulations must establish procedures to:

(a) Ensure the security and confidentiality of the data that is transmitted between:

(1) The practitioner and the pharmacy;

(2) The practitioner and an insurer of the person for whom the prescription is issued; and

(3) *The pharmacy and an insurer of the person for whom the prescription is issued.*

(b) *Protect the identity of the practitioner to prevent misuse of the identity of the practitioner or other fraudulent conduct related to the electronic transmission of a prescription.*

(c) *Verify the authenticity of a signature that is produced:*

(1) *By the computer or other electronic device; or*

(2) *Manually by the practitioner.*

3. The board shall adopt regulations governing the exchange of information between pharmacists and practitioners relating to prescriptions filled by the pharmacists for persons who are suspected of:

(a) Misusing prescriptions to obtain excessive amounts of drugs.

(b) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person.

The pharmacists and practitioners shall maintain the confidentiality of the information exchanged pursuant to this subsection.”

Amend sec. 15, page 7, by deleting lines 27 through 36 and inserting:

“Sec. 16. 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 1 and 12 of this act become effective upon passage and approval for the purpose of adopting regulations and at 12:01 a.m. on October 1, 2001, for all other purposes.

3. Sections 2, 3, 4 and 6 to 10, inclusive, of this act become effective on July 1, 2001.

4. Section 5 of this act becomes effective at 12:01 a.m. on July 1, 2001.

5. Section 14 of this act becomes effective at 12:02 a.m. on July 1, 2001.

6. Sections 11 and 13 of this act become effective at 12:01 a.m. on October 1, 2001.”

Amend the title of the bill, first line, by deleting “authorizing” and inserting “requiring”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 501.

The following Senate amendment was read:

Amendment No. 761.

Amend the bill as a whole by deleting sections 1 through 6 and renumbering sections 7 and 8 as sections 1 and 2.

Amend sec. 8, page 6, line 35, by deleting “7” and inserting “1”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; making certain changes to the method of calculating the amount of the basic governmental services tax to be distributed to a county school district; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to method of calculating amount of basic governmental services tax to be distributed to county school district. (BDR 43-1004)”.

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 501.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 74.

The following Senate amendment was read:

Amendment No. 709.

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. *Except as otherwise provided in subsection 2, the labor commissioner shall adopt regulations prohibiting the employment of a child under the age of 16 years in connection with the solicitation for sale or selling of any product, good or service at any time or place or in any manner the labor commissioner determines to be dangerous to the health or welfare of such a child.*

2. *The labor commissioner shall not prohibit the employment of a child under the age of 16 years in connection with the solicitation for sale or selling of:*

(a) *Any product, good or service in a county whose population is less than 100,000; or*

(b) *Any agricultural product at a fixed location directly to consumers and not for resale.*

This subsection does not authorize the employment of a child in violation of a specific statute.

3. *No child under the age of 16 years may be employed, permitted or required to work in any capacity, including, without limitation, as an independent contractor, in connection with the solicitation for sale or selling of any product, good or service at any time or place or in any manner prohibited by the labor commissioner pursuant to subsection 1.”.*

Amend the bill as a whole by renumbering sections 4 through 6 as sections 5 through 7 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. NRS 609.200 is hereby amended to read as follows:

609.200 ~~[The]~~ *Except as otherwise provided in section 2 of this act, the labor commissioner may ~~[, from time to time,]~~ determine whether or not any particular trade, process of manufacture ~~[,]~~ or occupation, or any particular method of carrying on such trade, process of manufacture or occupation is sufficiently dangerous to the lives or limbs, or injurious to the health or morals, of minors under 16 years of age employed therein to justify their exclusion therefrom, and may prohibit their employment therein."*

Amend the title of the bill, first line, after "children;" by inserting: "requiring the labor commissioner to adopt regulations".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires labor commissioner to adopt regulations prohibiting employment of children under 16 years of age in certain activities relating to commercial sales. (BDR 53-659)".

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 74.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 44.

The following Senate amendment was read:

Amendment No. 812.

Amend sec. 2, page 2, by deleting lines 38 and 39 and inserting: "*accurate reproduction of the original. If a claim filed in this state is open, the records in the file*".

Amend sec. 2, page 2, line 43, by deleting "*has been*" and inserting "*is*".

Amend sec. 2, page 2, line 45, by deleting "*7 calendar*" and inserting "*14*".

Amend sec. 2, page 3, line 8, by deleting: "*current or closed claims; and*" and inserting: "~~[current]~~ *claims that are open* or closed ~~[claims,]~~ ; *and*".

Amend sec. 5 page 4, line 34, after "*paid;*" by inserting "*and*".

Amend sec. 5, page 4, by deleting lines 35 through 37 and inserting:

"(b) The ~~[periodic revision of the schedule; and~~

~~(c) The]~~ monitoring of compliance by providers of benefits with the ~~[adopted]~~ schedule of fees and charges."

Amend the bill as a whole by renumbering sections 7 through 9 as sections 8 through 10 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The governor.
- (b) The department of prisons.
- (c) The University and Community College System of Nevada.
- (d) The office of the military.

- (e) The state gaming control board.
- (f) The Nevada gaming commission.
- (g) The welfare division of the department of human resources.
- (h) The division of health care financing and policy of the department of human resources.
- (i) The state board of examiners acting pursuant to chapter 217 of NRS.
- (j) Except as otherwise provided in NRS 533.365, the office of the state engineer.
- (k) The division of industrial relations of the department of business and industry *in* acting to enforce the provisions of NRS 618.375.
- (l) *The administrator of the division in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.*
- (m) The board to review claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in NRS 391.323, the department of education, the board of the public employees' benefits program and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

- (a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;
- (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;
- (c) Chapter 703 of NRS for the judicial review of decisions of the public utilities commission of Nevada;
- (d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and
- (e) NRS 90.800 for the use of summary orders in contested cases, prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

- (a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.

6. The state board of parole commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.”.

Amend sec. 8, page 5, line 37, by deleting “1” and inserting “5”.

Amend sec. 8, page 5, line 41, by deleting “1” and inserting “5”.

Amend sec. 9, page 6, line 9, by deleting: “6, 7 and 8” and inserting: “6 to 9, inclusive,”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 44.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 620.

The following Senate amendment was read:

Amendment No. 852.

Amend sec. 4, page 3, lines 4 and 10, by deleting “*delivered*” and inserting “*sent*”.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

“Sec. 4.5. NRS 624.031 is hereby amended to read as follows:

624.031 ~~[This chapter does]~~ *The provisions of this chapter do not apply to:*

1. Work ~~[done]~~ *performed* exclusively by an authorized representative of the United States Government, the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state.

2. An officer of a court when acting within the scope of his office.

3. Work ~~[done]~~ *performed* exclusively by a public utility operating pursuant to the regulations of the public utilities commission of Nevada on construction, maintenance and development work incidental to its ~~[own]~~ business.

4. An owner of property who is building or improving a residential structure on the property for his own occupancy and not intended for sale ~~[or lease]~~ *or lease*. The sale *or lease*, or the offering for sale *or lease*, of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with the intent to sell ~~[or lease]~~ *that structure*. An owner of property who requests an exemption pursuant to this subsection must apply to the board for the exemption. The board shall adopt regulations setting forth the requirements for granting the exemption.

5. An owner of a complex containing not more than four condominiums, townhouses, apartments or cooperative units, the managing officer of the owner or an employee of the managing officer, who performs work to repair or maintain that property the value of which is less than \$500, including labor and materials, unless:

- (a) A building permit is required to perform the work;
- (b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;
- (c) The work is of a type performed by a contractor licensed in a classification prescribed by the board that significantly affects the health, safety and welfare of members of the general public;
- (d) The work is performed as a part of a larger project:
 - (1) The value of which is \$500 or more; or
 - (2) For which contracts of less than \$500 have been awarded to evade the provisions of this chapter; or

(e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of ~~[such a]~~ that person.

6. The sale or installation of any finished product, material or article of merchandise which is not ~~[actually]~~ fabricated into and does not become a permanent fixed part of the structure.

7. The construction, alteration, improvement or repair of personal property.

8. The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and ~~[carried on]~~ conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

9. An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his ~~[own]~~ use or occupancy and not intended for sale or lease.

~~[10. An owner of property who builds or improves a structure upon his property and who contracts solely with a managing contractor licensed pursuant to the provisions of this chapter for the building or improvement, if the owner is and remains financially responsible for the building or improving of all buildings and structures built by the owner upon his property pursuant to the exemption of this subsection.]”~~

Amend the title of the bill, fifth line, after “account;” by inserting: “revising the exemptions from the provisions governing contractors;”.

Assemblyman Dini moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 620.

Remarks by Assemblyman Dini.

Bill ordered transmitted to the Senate.

Assembly Bill No. 628.

The following Senate amendment was read:

Amendment No. 870.

Amend sec. 2, page 3, by deleting lines 1 and 2 and inserting:

“(d) If a police officer or a salaried or volunteer fireman”.

Amend sec. 2, page 3, line 6, by deleting “*employment.*” and inserting: *“employment, unless the insurer can prove by a preponderance of the evidence that the exposure was not related to the employment of the police officer or fireman.”.*

Amend sec. 3, page 3, line 18, by deleting “*If*” and inserting: *“Except as otherwise provided in paragraph (d) of subsection 2 of NRS 616A.265, if”.*

Amend sec. 3, page 3, line 33, by deleting “*If*” and inserting: *“Except as otherwise provided in paragraph (d) of subsection 2 of NRS 616A.265, if”.*

Amend the title of the bill, first line, by deleting “*expanding*” and inserting “*revising*”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 628.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 554, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Berman and Smith as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 554.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 92.

The following Senate amendment was read:

Amendment No. 767.

Amend section 1, page 1, line 10, after “*neighborhoods;*” by inserting “*and*”.

Amend section 1, page 1, line 11, by deleting “*property; and*” and inserting “*property.*”.

Amend section 1, page 1, by deleting line 12.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 92.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 180.

The following Senate amendment was read:

Amendment No. 659.

Amend sec. 2, page 2, line 29, by deleting “*this qualification*” and inserting: “*the requirement to be a duly licensed member, in good standing, of the State Bar of Nevada*”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 180.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 402.

The following Senate amendment was read:

Amendment No. 846.

Amend section 1, page 1, line 4, by deleting “20,000” and inserting “50,000”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 402.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 440.

The following Senate amendment was read:

Amendment No. 821.

Amend sec. 2, page 2, line 26, by deleting “6 months” and inserting “30 days”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 440.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 463.

The following Senate amendment was read:

Amendment No. 842.

Amend section 1, page 1, line 14, by deleting “*officer.*” and inserting: “*officer if he:*

(a) *Is responding to an emergency call or is in pursuit of a suspected violator of the law; or*

(b) Determines that noncompliance with any such provision is necessary to carry out his duties.”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive:

1. “Animal” does not include the human race, but includes every other living creature.

2. “Police animal” means an animal which is owned *or used* by a state or local governmental agency and which is used by a peace officer in performing his duties as a peace officer.

3. “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.”.

Amend the title of the bill by deleting the third line and inserting: “duties under certain circumstances; revising the definition of “police animal” for provisions concerning cruelty to animals to include an animal which is used, but not owned, by a governmental agency; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing treatment and use of certain animals. (BDR 15-809)”.

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 463.

Remarks by Assemblyman de Braga.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 253.

The following Senate amendment was read:

Amendment No. 849.

Amend sec. 24.5, page 6, line 49, by deleting “*include lost*” and inserting: “*include*”:

(a) Costs incurred by the institution relating to any investigation or hearing conducted by the national collegiate athletic association concerning the violation; and

(b) Lost”.

Amend sec. 24.5, page 7, line 1, by deleting “*(a)*” and inserting “*(1)*”.

Amend sec. 24.5, page 7, line 2, by deleting “*(b)*” and inserting “*(2)*”.

Amend sec. 24.5, page 7, line 3, by deleting “*(c)*” and inserting “*(3)*”.

Amend sec. 24.5, page 7, line 5, by deleting “*(d)*” and inserting “*(4)*”.

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 253.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:18 p.m.

ASSEMBLY IN SESSION

At 4:19 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 245.

The following Senate amendment was read:

Amendment No. 746.

Amend the bill as a whole by deleting sections 1 through 15 and adding new sections designated sections 1 through 16, following the enacting clause, to read as follows:

“Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Advertise” and “advertisement” mean the attempt by publication, dissemination, solicitation or circulation to induce, directly or indirectly, any person to take a sightseeing tour.*

Sec. 4. *“Commissioner” means the commissioner of the division.*

Sec. 5. *“Division” means the consumer affairs division of the department of business and industry.*

Sec. 6. *“Sightseeing tour” means an excursion that:*

- 1. Has a duration of 24 hours or less;*
- 2. Travels to one or more points of interest; and*
- 3. Is conducted using one or more means of motorized conveyance, including, without limitation, an airplane, bus, helicopter, tour boat or touring raft.*

Sec. 7. *“Tour broker” means a person who, in this state, advertises a sightseeing tour for a tour operator and collects money from customers for a sightseeing tour.*

Sec. 8. *“Tour operator” means a person who, in this state, engages in the business of providing a sightseeing tour to customers.*

Sec. 9. 1. *In each advertisement for a sightseeing tour, a tour broker and a tour operator shall disclose in a clear and conspicuous manner the total price a customer is required to pay to take the sightseeing tour. Unless the inclusion of a fee or tax in the total price would violate a specific statute of this state or a federal statute or regulation, the total price must include, without limitation, all fees, taxes and other charges that a customer for a sightseeing tour is required to pay to take the sightseeing tour. If a fee or tax cannot be included in the total price because its inclusion would violate a specific statute of this state or a federal statute or regulation, the tour broker or tour operator, as applicable, shall disclose in a clear and conspicuous manner that the fee or tax is not included in the total price and must be paid in addition to the total price.*

2. *A tour broker and a tour operator shall not charge a customer for a sightseeing tour an amount that exceeds the sum of:*

(a) *The total price for the sightseeing tour which is disclosed in an advertisement for the sightseeing tour; and*

(b) *Any fee or tax that is not included in the total price for the sightseeing tour because its inclusion would violate a specific statute of this state or a federal statute or regulation.*

3. *On a billing invoice or receipt given to a customer for a sightseeing tour, a tour broker and a tour operator shall provide a clear and conspicuous notice which:*

(a) *Sets forth the provisions of subsection 2;*

(b) *States that complaints concerning the charges for a sightseeing tour may be directed to the division; and*

(c) *Provides a telephone number for the division.*

4. *If a tour operator issues or causes to be issued a coupon or other indicia of discount or special promotion, the tour operator shall honor the coupon or other indicia in good faith unless:*

(a) *The coupon or other indicia sets forth a date of expiration that is clearly legible; and*

(b) *The date of expiration has passed.*

5. *The failure of a tour broker or tour operator to comply with a provision of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*

Sec. 10. *The provisions of sections 11, 12 and 13 of this act do not apply to a tour broker whose business is confined to advertising, or a tour operator whose business is confined to advertising and conducting, sightseeing tours that originate in a county other than a county whose population is 400,000 or more.*

Sec. 11. 1. *Each tour broker and tour operator shall deposit with the division:*

(a) *A bond executed by a corporate surety approved by the commissioner and licensed to do business in this state;*

(b) *An irrevocable letter of credit for which the tour broker or tour operator is the obligor, issued by a bank whose deposits are federally insured; or*

(c) *A certificate of deposit in a financial institution which is doing business in this state and which is federally insured or insured by a private insurer approved pursuant to NRS 678.755. The certificate of deposit may be withdrawn only on the order of the commissioner, except that the interest may accrue to the tour broker or tour operator.*

2. *The term of the bond, letter of credit or certificate of deposit, or any renewal thereof, must be not less than 1 year.*

3. *The amount of the bond, letter of credit or certificate of deposit, or any renewal thereof, must be \$10,000.*

4. *If the tour broker or tour operator deposits a bond, the tour broker or tour operator shall keep accurate records of the bond and the payments made on the premium. The records must be open to inspection by the division during business hours. The tour broker or tour operator shall notify the division not later than 30 days before the date of expiration of the bond and provide written proof of the renewal of the bond to the division.*

5. *The commissioner may reject any bond, letter of credit or certificate of deposit that fails to conform to the requirements of this chapter.*

6. *A tour broker or tour operator may change the form of security that he has deposited with the division. If the tour broker or tour operator changes the form of the security, the commissioner may retain for not more than 1 year any portion of the security previously deposited by the tour broker or tour operator as security for claims arising during the time the previous security was in effect.*

7. *If the amount of the bond, letter of credit or certificate of deposit falls below the amount required by this section, the tour broker or tour operator shall, within 30 days, increase the amount of the bond, letter of credit or certificate of deposit to the amount required by this section.*

Sec. 12. 1. *The security required to be deposited by a tour broker or tour operator pursuant to section 11 of this act must be held in trust for consumers injured by:*

(a) *The bankruptcy of the tour broker or tour operator; or*

(b) *The tour broker's or tour operator's breach of any agreement entered into in his capacity as a tour broker or tour operator.*

2. *A consumer so injured may bring and maintain an action in any court of competent jurisdiction to recover against the security.*

3. *The division may bring an action for interpleader against all claimants upon the security. If the division brings such an action, the division shall publish notice of the action at least once each week for 2 weeks in a newspaper of general circulation in the county in which the tour broker or tour operator has its principal place of business. The division may deduct its costs of the action, including, without limitation, the costs of the publication of the notice, from the amount of the security. All claims against the security*

have equal priority. If the security is insufficient to pay all the claims in full, the claims must be paid pro rata. If the tour broker or tour operator has posted a bond with the division, the surety is then relieved of all liability under the bond.

4. The division may, in lieu of bringing an action for interpleader pursuant to subsection 3, conduct a hearing to determine the distribution of the security to claimants. The division shall adopt regulations to provide for adequate notice and the conduct of the hearing. If the tour broker or tour operator has posted a bond with the division, distribution pursuant to this subsection relieves the surety of all liability under the bond.

Sec. 13. 1. If no claims have been filed against the security deposited with the division pursuant to section 11 of this act within 6 months after the tour broker or tour operator ceases to operate, the commissioner shall release the security to the tour broker or tour operator and shall not audit any claims filed against the security thereafter by consumers.

2. If one or more claims have been filed against the security within 6 months after the tour broker or tour operator ceases to operate, the proceeds must not be released to the tour broker or tour operator or distributed to any consumer earlier than 1 year after the tour broker or tour operator ceases to operate.

3. For the purposes of this section, the commissioner shall determine the date on which a tour broker or tour operator ceases to operate.

Sec. 14. The commissioner may adopt such regulations as the commissioner determines are necessary to carry out the intent of sections 2 to 14, inclusive, of this act.

Sec. 15. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. A person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of Assembly Bill No. 337 of this ~~act~~ session upon a complaint brought by the commissioner, the director, the district attorney of any county of this state or the attorney general shall forfeit and pay to the state general fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of Assembly Bill No. 337 of this ~~act~~ session.

2. In any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of Assembly Bill No. 337 of this ~~act~~ session, if the court finds that a person has willfully engaged in a deceptive trade practice, the commissioner, the director, the district attorney of any county in this state or the attorney general bringing the action may recover a civil penalty not to exceed \$2,500 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice, other than a deceptive trade practice described in NRS 598.992:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, and section 1 of *Assembly Bill No. 337 of this [act,] session*, 598.100 to 598.2801, inclusive, 598.281 to 598.289, inclusive, 598.840 to 598.966, inclusive, *sections 2 to 14, inclusive, of this act* or 598.992, fails to comply with a judgment or order of any court in this state concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this state; or

(b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 16. The amendatory provisions of this act do not apply to offenses committed before October 1, 2001.”

Amend the title of the bill to read as follows:

“AN ACT relating to deceptive trade practices; requiring certain tour brokers and tour operators to make certain disclosures relating to price in an advertisement for a sightseeing tour; prohibiting certain tour brokers and tour operators from charging more for a sightseeing tour than the price disclosed in an advertisement for the tour; requiring certain tour brokers and tour operators to include certain information on a billing invoice or receipt given to a customer for a sightseeing tour; requiring a tour operator to honor in good faith any nonexpired coupon or other indicia of discount or special promotion that the tour operator has issued or caused to be issued; requiring certain tour brokers and tour operators to deposit security with the consumer affairs division of the department of business and industry; authorizing certain consumers to bring and maintain an action to recover against the deposited security; providing for the release of the deposited security within a certain period after the tour broker or tour operator ceases to operate; authorizing the commissioner of the consumer affairs division to adopt

certain regulations; providing penalties; and providing other matters properly relating thereto.”

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 245.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. I felt it was important to come down and speak a little bit to the body. I want to tell you all, that I do appreciate the hard work that you have put in thus far in this legislative session. We're less than a couple of weeks away from completing the work in this session. It gets harder every day. I know that each and every one of you have put a great deal of work into the accomplishments that will come out of this session. I also wanted to mention that along with the Minority Leader and the Assistant Minority Leader I was able to, during our break, wander over to the Capitol and listen in on a press conference the Governor had relative to the education budgets. In that press conference, there was talk of an additional \$122.5 million, aside from what was in the rollout in the growth in K-12. That \$122.5 million being a 2 percent employer raise, \$14.5 million to go to vital education programs and text books, school employee retention bonus pool, teacher recruitment bonuses and some energy assistance for our school districts.

I would hearken back to our opening day and the remarks that I made on that day. I believe as I discussed what I thought we were going to try and accomplish this session, I was focusing on if we were going to do enough for our children. As much as I am very, very happy about the efforts that have been made so far, and the plan that has been laid out, I'm still disappointed, standing here 11 days from the completion of our legislative session, that we have not yet done enough, particularly in K-12 education. That is not to say there has not been a lot of hard work. I appreciate the efforts that all have made to get us to the level where we are. Their efforts have been very difficult and one step at a time.

I guess, Mr. Speaker pro Tempore, my remarks culminate with this: I am still challenging all of us to continue, as long as we have any time in this legislative session, to continue to find the money we need for our educational system.

The last trip I took home, I had, waiting for me, a letter from a young lady. With your indulgence I will read through it very quickly:

“Dear Richard Perkins:

My name is Tierra Birchold and I am 13 years of age. I attend Thurman White Middle School, which is one of the schools you plan to take the music and art programs out of. I have lived in Las Vegas for about 4 years now and two out of the four years, I have participated in the school's music program. I would like to say that being in an orchestra gives me something to look forward to each day. It gives me a chance to show my talents and also gives me challenges. I think that for some kids it keeps them from doing things they shouldn't. For me, I don't take it because I have to or to keep me out of trouble. I take orchestra for my pleasure. Mrs. Fazio is an awesome orchestra teacher. She helps kids when needed, but can also help with some of her students personal problems when they come to her for help. Mrs. Fazio makes me look forward to each and every day because she is so enjoyable and because

she makes learning to play an instrument fun. Without the music program, I would not be involved with anything active. People always ask what sport I play and I say, "I play the violin." You may think playing the violin isn't a sport. Well, it is. It requires hard work, practice, group cooperation and it's fun. Those qualities belong to both sports and being in an orchestra, band or a choir group.

Without the music program, kids would just come home each day and instead of practicing they would sit and watch television. What does that do for us? Nothing too great. You never hear about the greatest television watcher. It is the musicians and the sports stars that you hear about. Some of us actually want to be famous too but for us to get there, we have to take the classes and you are taking them away. Music is an art, a privilege that you can learn to play something that difficult. It is a right. We won't get the right to play an instrument and become famous if you take that right away. I am not telling you what to do or how to think. I am just giving you some opinions from people who are actually involved. So please take this into consideration before you throw all our hard work out the window.

Thurman White Orchestra has a concert at our school on the 16th of May at 6:30 pm. If possible we would appreciate it if you could come and see all the hard work we have accomplished. I thank you for your time and I am hoping for the best. Sincerely Yours, Tierra Birchtoold, Violin Player."

Now, Mr. Speaker pro Tempore, I know that we do not cancel programs. Those decisions are made at the school district level. I know that with the money the Governor has suggested being spent on vital school education programs, programs like art and music and sports, have additional monies available to them. All the programs, whether they're the curriculum programs or the sports or the extracurricular programs, all have to have instructors and teachers to make the program work. That is where I think we have not yet done enough for K-12 education. If we don't have a good starting salary for our teachers, if we don't have something for them to look forward to, if we don't have the incentives for them to continue in a very difficult teaching environment, we haven't done the work that we were supposed to; and then I would tell you we have left this session and we did not fulfill the goal I set, at least for myself and this body. That was to do all we could for our children.

Lastly, Mr. Speaker pro Tempore, I implore all of us to continue to work as long as we have any time here to continue to find additional resources for this effort. Thank you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 135, 214, 237, 289, 291, 318, 336, 377, 384, 534, 551, 609, 659, 662; Assembly Joint Resolutions Nos. 7, 12, 13; Assembly Joint Resolution Nos. 13, 26 of the 70th Session; Senate Bills Nos. 26, 48, 57, 70, 88, 119, 135, 144, 153, 156, 163, 175, 191, 197, 211, 222, 249, 250, 251, 255, 273, 298, 329, 336, 349, 372, 376, 389, 415, 424, 480, 489, 525, 528, 533, 540, 546, 560, 566; Senate Joint Resolution No. 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandra Alvarado, Fletcher Bowman, Zachary Bunker, Shoshone Campbell, Wayne Crank,

Kayla Drozek, Laura Ferrence, Zackary Franco, Victoria Gooch, Trent Hampton, Cody Kapphahn, Katrina Manwarren, Sandra Martinez, Joshua Murphy, Andrew Perazzo, Crystal Peters, Casey Pomeroy, Nicole Ricks, Omar Rivas, Shane Smith, Allison Stanfield, Mark Weaselboy, Cody Wilson, Taylor Gatz, Sunni Welch, Kristi Pritchard, Maria Benita, Carla Pomeroy, Mandi Taylor, Barbara Ghiglia, Yazmin Aguilera, Daulton Amick, Laurel Amick, Katherine Boivin, Kimber Brown, Cody Carpenter, Terence Davis, Natasha Dugan, Sandra Elliott, Adam Eyzaguirre, Kattie Goodrick, Michael Goodrick, Stacey Johnson, Jordan Sedgwick, Becky Marquez, Simone Mincer, Lauren Mongillo, Etta-mae Allen, Paige Olivo, Karina Pahalke, Jeffery Ramsey, Randall Reeder, T.J. Sanders, Larry Sandoval, Ricky Vargas, Liliana Peru, Kathi Ramsey, Irma Eyzaguirre, Jackie Mongillo, Renata Johnson and Renae Pahalke.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to William Raley.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Lamb, Dixie Graham, Russ Osborn, José Alcaraz, Jonathan Blatnik, Chris Caspary-Bugely, Samantha Ensminger, Jonathon Glocknitzer, Casey Carlisle, Tianna Gregory, Ronny Griffin, Travis Keene, Jessica Lamb, Allisa Larsen, Andrew Lococo, Danielle Munk, Ashley Peretti, Allen Roach, Lisa Van Den Berg, Kirby Wigton, Amy Williams, Ericka Wilson, Andrea Wright, Sarah Young, Marcus Ombrose, Nick Andrews, Matthew Boyd, Ryan Bugg, Anthony Demarta, Rebecca Doan, Seanna Drew, Cory Greenwood, Kurt Hewlett, Rynn Kelly, Donnie Larson, Taylor Ohl, Blayne Osborn, Paulina Rubio, Rynn Stanton, Justin Stegemann, Nestor Sanchez, Lauren Hoppe, Aaron Whalin, Kevin Emm and Stephanie Ferguson.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Thew and Paula Santerior.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Kirk Mortenson.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Walter Eykmann, Dietmar Franzke, Christine Goertz, Stefan Jetz, Jakob Kreidl, Christa Naab, Eduard Nöth, Friedrich Odenbach, Rudolf Peterke, Adi Sprinkart, Dr. Gerhard Waschler, Wilhelm Hüllmantel, Franz Segl and Petra Neumeier.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Lear Bowen.

Assemblywoman Buckley moved that the Assembly adjourn until Saturday, May 26, 2001 at 10:00 a.m.

Motion carried.

Assembly adjourned at 4:35 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 26, 2001

Assembly called to order at 10:21 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord, here we are, and it's Saturday. I guess that even the weekend is no longer sacred. But, Father, this place is. And our mission here is. They are sacred because You are here. Be with us in these final days of our session, and please grant us wisdom, compassion and peace. I pray in Your Name, the Name above all names.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 664, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 187, 511, 517, 524, 527, 529, 532, 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 613, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 582; Senate Bills Nos. 431, 574.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 195, Amendment No. 848; Assembly Bill No. 242, Amendment No. 1005; Assembly Bill No. 443, Amendment No. 822; Assembly Bill No. 444, Amendment No. 995; Assembly Bill No. 555, Amendment No. 929; Assembly Bill No. 556, Amendment Nos. 768, 1004; Assembly Bill No. 637, Amendment No. 830; Assembly Bill No. 643, Amendment Nos. 796, 960, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 35.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 788 to Senate Bill No. 39; Assembly Amendment No. 889 to Senate Bill No. 227; Assembly Amendment No. 790 to Senate Bill No. 238; Assembly Amendment No. 835 to Senate Bill No. 252; Assembly Amendment No. 837 to Senate Bill No. 274; Assembly Amendment No. 808 to Senate Bill No. 380; Assembly Amendment No. 809 to Senate Bill No. 381; Assembly Amendment No. 885 to Senate Bill No. 397; Assembly Amendment No. 776 to Senate Bill No. 406; Assembly Amendment No. 718 to Senate Bill No. 467; Assembly Amendment No. 723 to Senate Bill No. 483; Assembly Amendment No. 789 to Senate Bill No. 499; Assembly Amendment Nos. 719, 864 to Senate Bill No. 519; Assembly Amendment No. 888 to Senate Bill No. 557.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 109, 137, 139, 170, 174, 277, 319, 573.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 48, Senate Amendment No. 802, and requests a conference, and appointed Senators Amodei, Shaffer and Rhoads as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 883 to Senate Bill No. 418.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of histories on all Bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 122.

Bill read third time.

Roll call on Assembly Bill No. 122:

YEAS—42.

NAYS—None.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324.

Bill read third time.

Roll call on Assembly Bill No. 324:

YEAS—40.

NAYS—Gustavson.

NOT VOTING—Arberry.

Assembly Bill No. 324 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Roll call on Assembly Bill No. 518:

YEAS—38.

NAYS—Angle, Cegavske, Gustavson, Von Tobel—4.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Roll call on Assembly Bill No. 530:

YEAS—42.

NAYS—None.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 531:

YEAS—42.

NAYS—None.

Assembly Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

Roll call on Assembly Bill No. 554:

YEAS—42.

NAYS—None.

Assembly Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 564 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 598.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 598:

YEAS—42.

NAYS—None.

Assembly Bill No. 598 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 187, 511, 517, 524, 527, 529, 532, 533, 613, 664 and Senate Bill No. 63 be placed on the Second Reading File.

Assemblyman Bache moved that Senate Bill No. 150 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 489 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 219 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 261 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:40 a.m.

ASSEMBLY IN SESSION

At 10:45 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 288 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 201 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 6.

Bill read third time.

Roll call on Senate Bill No. 6:

YEAS—42.

NAYS—None.

Senate Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 33.

Bill read third time.

Roll call on Senate Bill No. 33:

YEAS—41.

NAYS—None.

NOT VOTING—Brower.

Senate Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Roll call on Senate Bill No. 65:

YEAS—42.

NAYS—None.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 127.

Bill read third time.

Remarks by Assemblymen Angle and Carpenter.

Roll call on Senate Bill No. 127:

YEAS—42.

NAYS—None.

Senate Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 165.

Bill read third time.

Roll call on Senate Bill No. 165:

YEAS—42.

NAYS—None.

Senate Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblymen Anderson, Smith and Williams.

Roll call on Senate Bill No. 243:

YEAS—39.

NAYS—Angle, Gustavson, Von Tobel—3.

Senate Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

Remarks by Assemblywomen Buckley and Freeman.

Roll call on Senate Bill No. 320:

YEAS—42.

NAYS—None.

Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 352.

Bill read third time.

Remarks by Assemblywomen Parnell and Buckley.

Roll call on Senate Bill No. 352:

YEAS—42.

NAYS—None.

Senate Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 362.

Bill read third time.

Roll call on Senate Bill No. 362:

YEAS—42.

NAYS—None.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 425.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 425:

YEAS—42.

NAYS—None.

Senate Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 516 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 196 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Roll call on Senate Bill No. 482:

YEAS—42.

NAYS—None.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.

Bill read third time.

Roll call on Senate Bill No. 487:

YEAS—41.

NAYS—None.

NOT VOTING—Goldwater.

Senate Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 524.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 524:

YEAS—42.

NAYS—None.

Senate Bill No. 524 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 527.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 527:

YEAS—41.

NAYS—None.

NOT VOTING—Ohrenschall.

Senate Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 516 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 544.

Bill read third time.

Roll call on Senate Bill No. 544:

YEAS—42.

NAYS—None.

Senate Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 565.

Bill read third time.

Roll call on Senate Bill No. 565:

YEAS—42.

NAYS—None.

Senate Bill No. 565 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Roll call on Senate Bill No. 150:

YEAS—42.

NAYS—None.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Remarks by Assemblywomen Chowning and Buckley.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. SB 219 does authorize transfer of property to the original person who owned the property if a part of the property has not been used by the Department of Transportation. It allows for an objection to be filed on appraisal of the property and sets forth that procedure. If the person who was originally the owner does not let the Department of Transportation know that they wish to purchase the property back within a certain amount of time then the Department of Transportation may go ahead with the sale. We had some questions about the bill and those have been resolved. I urge your support. Thank you.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I rise in support of SB 219. There were a number of members that had questions and for the record I wanted to clarify. On page two the deletions of line seven and eight are intended to have no substantive impact at all. The argument was made by the Department of Transportation that all property that is later abandoned is no longer needed for highway purposes. I wanted to make that clear so that folks get these protections.

Roll call on Senate Bill No. 219:

YEAS—42.

NAYS—None.

Senate Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 261.

Bill read third time.

The following amendment was proposed by Assemblymen Anderson, Buckley and Chowning:

Amendment No. 1063.

Amend sec. 7, pages 7 and 8, by deleting lines 44 through 49 on page 7 and lines 1 through 22 on page 8, and inserting:

“116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit’s owner shall furnish to a purchaser before *the* execution of any contract for *the* sale of a unit, or otherwise before conveyance:

(a) A copy of the declaration, other than any plats and plans, the bylaws, the rules or regulations of the association and ~~[, except for a time share governed by the provisions of chapter 119A of NRS,]~~ the information statement required by NRS 116.41095;

(b) A statement setting forth the amount of the monthly assessment for common expenses , *any other fees payable by a unit's owner* and any unpaid assessment of any kind currently due from the selling unit's owner ~~{-}~~ *that the purchaser will be obligated to pay;*

(c) *A statement setting forth any unpaid fines due from the selling unit's owner that the purchaser will be obligated to pay;*

(d) *A statement listing all written notices of a violation of the governing documents of the association associated with the unit which the association has previously provided to the selling unit's owner and which the purchaser will be obligated to correct or repair;*

(e) The current operating budget of the association and a financial statement for the association; ~~{and~~

~~{-}~~ (f) A statement of any unsatisfied judgments or pending legal actions ~~{against}~~ *to which the association is a party* and the status of any *such* pending legal actions ~~{relating to the common interest community of which the unit's owner has actual knowledge.}~~ ;

(g) *A statement of any pending claims submitted to arbitration or mediation to which the association is a party; and*

(h) *A statement of any claim for a constructional defect of which the association has actual knowledge and for which the association will be a party.*

2. The association, within 10 days after receipt of a written request by a unit's owner, shall furnish a certificate *addressed to the unit's owner at the address included in the written request* containing the information necessary to enable the unit's owner to comply with this section. *The certificate must be signed by a member of the executive board of the association or an authorized agent of the association.* A unit's owner providing a certificate pursuant to subsection 1 is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

3. ~~{Neither}~~ *Except as otherwise provided in subsection 6, neither a purchaser nor the purchaser's interest in a unit is liable to the association for {any} :*

(a) *Any unpaid assessment , {or} fee or fine greater than the amount {set forth in the certificate prepared by the association.} disclosed pursuant to this section; or*

(b) *The correction or repair of any violation of the governing documents of the association that is not disclosed pursuant to paragraph (d) of subsection 1.*

4. If the association fails to furnish the certificate within the 10 days allowed by subsection 2, the seller is not liable *to the association* for ~~{the}~~ :

(a) *Any delinquent assessment {-}, fee or fine owed to the association; or*

(b) *The correction or repair of any violation of the governing documents of the association associated with the unit that is required to be disclosed pursuant to paragraph (d) of subsection 1.*

5. *A certificate issued by an association pursuant to this section becomes effective on the date the certificate is signed pursuant to subsection 2.*

6. *The association is not liable to any person for undisclosed information if a unit's owner does not make a written request for a certificate pursuant to subsection 2."*

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. NRS 116.41095 is hereby amended to read as follows:

116.41095 The information statement required by NRS 116.4103 and 116.4109 must be in substantially the following form:

**BEFORE YOU PURCHASE PROPERTY IN A
COMMON-INTEREST COMMUNITY
DID YOU KNOW . . .**

**1. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN
USE YOUR PROPERTY?**

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions (C, C & R's) that should be provided for your review before making your purchase. The C, C & R's become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The C, C & R's, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the community, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by C, C & R's, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the C, C & R's and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you.

**2. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS FOR AS
LONG AS YOU OWN YOUR PROPERTY?**

As an owner in a common-interest community, you are responsible for paying your share of expenses relating to the common elements, such as landscaping, shared amenities and the operation of any homeowner's association. The obligation to pay these assessments binds you and every future owner of the property. Owners' fees are usually assessed by the homeowner's association and due monthly. You have to pay dues whether or not you agree with the way the association is managing the property or spending the assessments. The executive board of the association may have the power to change and increase the amount of the assessment and to levy special assessments against your property to meet extraordinary expenses. In some communities, major components of the community such as roofs and private roads must be maintained and replaced by the association. If the association is not well managed or fails to maintain adequate reserves to

repair, replace and restore common elements, you may be required to pay large, special assessments to accomplish these tasks.

3. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments when due, the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's costs and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

4. YOU MAY BECOME A MEMBER OF A HOMEOWNER'S ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a homeowner's association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing homeowners for the cost of operating the association and the common or shared elements of the community and for the ~~[day to day]~~ *day-to-day* operation and management of the community. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional managers to carry out these responsibilities.

Homeowner's associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the C, C & R's and other documents that govern the common-interest community, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the community. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of homeowners in the community. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If persons controlling the association or its management are not complying with state laws or the governing

documents, your remedy is typically to seek to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim. There is no government agency in this state that investigates or intervenes to resolve disputes in homeowner's associations.

5. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE BUYERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide to a prospective purchaser of your property, before you enter into a purchase agreement ~~[, a]~~ :

(a) *A copy of the community's governing documents, including the C, C & R's, association bylaws, and rules and regulations, as well as a copy of this document.* ~~[You are also required to provide a]~~

(b) *A copy of the association's current financial statement, operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements.* ~~[You are also required to inform prospective purchasers]~~

(c) *A statement setting forth any other fees payable by a unit's owner and any unpaid assessment or fine that the purchaser will be obligated to pay.*

(d) *A statement listing all written notices of a violation of the governing documents of the association associated with the unit which the association has previously provided to you and which the purchaser will be obligated to correct or repair.*

(e) *A statement of any outstanding judgments or ~~lawsuits pending against~~ pending legal actions to which the association ~~[of which you are aware. You are also required to provide a]~~ is a party and the status of such pending legal actions.*

(f) *A statement of any pending claims submitted to arbitration or mediation to which the association is a party.*

(g) *A statement of any claim for a constructional defect of which the association has actual knowledge and for which the association will be a party.*

(h) *A copy of the minutes from the most recent meeting of the homeowner's association or its executive board.*

For more information regarding these requirements, see Nevada Revised Statutes 116.4103 ~~[,]~~ and 116.4109.

6. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of chapter 116 of Nevada Revised Statutes, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

7. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a common-interest community. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the ombudsman for owners in common-interest communities, Nevada Real Estate Division, at (telephone number).

Buyer or prospective buyer's initials: _____

Date: _____".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to property; limiting the applicability of provisions governing common-interest communities to the sale or transfer of time shares; revising the information that must be furnished by a unit's owner in a common-interest community to a prospective purchaser before the sale of the unit; requiring a manager of".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions governing time shares and common-interest communities. (BDR 10-819)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 288.

Bill read second time.

The following amendment was proposed by Assemblywomen Giunchigliani and Chowning:

Amendment No. 1062.

Amend section 1, page 1, line 16, by deleting "~~16~~ 15 and inserting "6".

Amend the title of the bill by deleting the third and fourth lines and inserting: "has access; and providing".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywomen Giunchigliani and Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 201.

Bill read third time.

Roll call on Senate Bill No. 201:

YEAS—42.

NAYS—None.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 196.

Bill read third time.

Roll call on Senate Bill No. 196:

YEAS—42.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 189, 507; Senate Bills Nos. 216 and 399 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 311 be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1052.

Amend section 1, page 1, line 2, by deleting “\$760,000” and inserting “\$700,000”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1053.

Amend section 1, page 1, line 2, by deleting “\$400,000” and inserting “\$200,000”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1055.

Amend section 1, page 1, line 2, by deleting: “\$167,407 for a vehicle,” and inserting “\$117,244 for”.

Amend the title of the bill, first line, by deleting “a vehicle.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Human Resources for furnishings and equipment for Division of Child and Family Services. (BDR S-1422)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 524.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1056.

Amend section 1, page 1, lines 2 and 3, by deleting: “\$9,141,986 for phase II” and inserting: “\$4,641,986 for phase IIA”.

Amend the title of the bill, first line, by deleting “II” and inserting “IIA”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Information Technology for phase IIA of digital microwave upgrade. (BDR S-1358)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 527.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1058.

Amend section 1, page 1, line 2, by deleting “\$861,585” and inserting “\$747,823”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 529.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1057.

Amend section 1, page 1, line 2, by deleting “\$279,000” and inserting “\$236,490”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 532.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1060.

Amend section 1, page 1, line 2, by deleting “\$75,321 for” and inserting: “\$72,892 for a vehicle.”.

Amend section 1, page 1, line 3, by deleting “at” and inserting “for”.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT making an appropriation to the Department of Human Resources for a vehicle, office equipment and remodeling for the Northern Nevada Child and Adolescent”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Human Resources for vehicle, office equipment and remodeling for Northern Nevada Child and Adolescent Services. (BDR S-1376)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 533.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1059.

Amend section 1, page 1, line 2, by deleting “\$18,320” and inserting “\$15,150”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 613.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1013.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 12 through 14 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

“Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *The board of regents may administer, directly or through a designated officer or employee of the system, a program to provide loans for*

registration fees, laboratory fees and expenses, textbooks and course materials, and living expenses to students who are enrolled in programs of the system that provide courses of study and training for the education of teachers.

2. Each student to whom such a loan is made must:

(a) Have been a bona fide resident of this state for at least 6 months before his matriculation in the system;

(b) At the time the loan is made, be enrolled in a program of the system to become a licensed teacher;

(c) Fulfill all requirements for classification as a full-time student showing progression towards completion of the program; and

(d) Maintain at least a 2.0 grade-point average in each class and at least a 2.75 overall grade-point average, on a 4.0 grading scale.

3. Each such loan must be made upon the following terms:

(a) All loans must bear interest at 8 percent per annum beginning on the date when the student receives the loan.

(b) Each student who receives a loan shall repay the loan with interest after the termination of his education for which the loan is made unless the amount owed is waived pursuant to section 4 of this act. The loan must be repaid in monthly installments over the period allowed with the first installment due 1 year after the date of the termination of his education for which the loan is made. The amounts of the installments must not be less than \$50 and may be calculated to allow a smaller payment at the beginning of the period for repayment, with each succeeding payment gradually increasing so that the total amount due will be paid within the period of repayment. The maximum period for repayment of the loans must be:

(1) Five years for loans that total less than \$10,000.

(2) Eight years for loans that total \$10,000 or more, but less than \$20,000.

(3) Ten years for loans that total \$20,000 or more.

4. A delinquency charge may be assessed on an installment that is delinquent 10 days or more in the amount of 8 percent of the installment or \$4, whichever is greater, but not more than \$15.

5. If a person is delinquent in repayment, the reasonable costs of collection and an attorney's fee may be recovered from the person.

6. As used in this section, "bona fide resident" has the meaning ascribed to it in NRS 396.540.

Sec. 3. 1. The loans made pursuant to sections 2 to 9, inclusive, of this act must not exceed the following amounts per student per semester. If the student is enrolled in a program of:

(a) A community college, \$1,700.

(b) A university, \$2,005.

2. Money loaned pursuant to sections 2 to 9, inclusive, of this act must be allocated among the campuses of the system in amounts that will allow the same percentage of eligible students from each campus who are enrolled in

programs that provide courses of study and training for the education of teachers to receive loans.

Sec. 4. 1. *Except as otherwise provided in this section, a student who receives a loan pursuant to sections 2 to 9, inclusive, of this act shall repay the loan and accrued interest in full pursuant to the terms of the loan.*

2. *If a recipient of a loan desires to have the total amount of his loan waived pursuant to this section, the recipient shall file a statement of intent with the board of regents indicating that the recipient intends to:*

- (a) Obtain a license to teach issued pursuant to chapter 391 of NRS; and*
- (b) Teach full time for at least:*

(1) Three consecutive school years in any public school where a majority of the pupils enrolled in the school are pupils at risk; or

(2) Five consecutive school years in any other public school in this state. The recipient shall submit verification at least once every 6 months to the board of regents in a format prescribed by the board of regents indicating that the recipient has maintained his status as a full-time licensed teacher in a public school in this state.

3. *Upon receipt of such a statement of intent, the board of regents shall defer the payment of the loan until the recipient of the loan has:*

- (a) Taught full time as a licensed teacher for:*

(1) Three consecutive school years in any public school where a majority of the pupils enrolled in the school are pupils at risk, regardless of whether he teaches at the same school for all 3 years; or

(2) Five consecutive school years in any other public school in this state, regardless of whether he teaches at the same school for all 5 years; or

(b) Left his employment, voluntarily or otherwise, as a full-time licensed teacher in a public school in this state.

4. *If a recipient of a loan who filed a statement of intent pursuant to subsection 2 satisfies the requirements of paragraph (a) of subsection 3, the recipient may apply to the board of regents to request a waiver of the loan and interest that must be repaid. The board of regents shall waive the total amount owed by the recipient upon receipt of credible evidence that the recipient has satisfied the requirements of paragraph (a) of subsection 3.*

5. *If a recipient of a loan who filed a statement of intent pursuant to subsection 2 leaves his employment, voluntarily or otherwise, as a full-time licensed teacher in a public school in this state, he shall repay the loan and accrued interest in full pursuant to the terms of the loan.*

6. *The board of regents may adopt:*

(a) Regulations that extend the time for completing the qualified teaching service beyond 3 or 5 years, as applicable, for persons who are granted extensions because of hardship; and

(b) Such other regulations as are necessary to carry out the provisions of sections 2 to 9, inclusive, of this act.

7. *The board of regents shall, in cooperation with the boards of trustees of school districts in this state:*

(a) Identify, on an annual basis, the public schools within this state where a majority of the pupils enrolled are pupils at risk.

(b) Recruit pupils who are enrolled in high schools in this state into the program to provide loans to students pursuant to sections 2 to 9, inclusive, of this act.

8. As used in this section, "pupil at risk" has the meaning ascribed to it in NRS 386.500.

Sec. 5. The board of regents or its designee may require:

1. A student to acquire, as security for a student loan, insurance on his life and on his health or against his disability, or both.

2. That a financially responsible person agree to be jointly liable with the recipient of the loan for the repayment of the loan.

Sec. 6. The board of regents or its designee may require, upon notice to a recipient of a loan, that he repay the balance and any unpaid interest on the loan immediately if:

1. An installment is not paid within 30 days after it is due;

2. The recipient fails to notify the board of regents or its designee, within 30 days, of:

(a) A change of name or of the address of his home or place of employment; or

(b) The termination of the education for which he received the loan; or

3. The recipient fails to comply with a requirement or perform an obligation he is required to perform pursuant to an agreement with the board of regents or its designee.

Sec. 7. A recipient of a loan pursuant to sections 2 to 9, inclusive, of this act shall comply with the regulations adopted by the board of regents. If a recipient fails to comply, the board of regents or its designee may:

1. For each infraction, impose a civil penalty of not more than \$200 against the recipient in 1 academic year, and may deny additional money to the recipient if he fails to pay the civil penalty when due;

2. Increase the portion of a future loan to be repaid by the recipient; and

3. Extend the time by which the recipient is required to teach in this state in lieu of repaying his loan.

Sec. 8. 1. The board of regents or its designee may, after receiving an application stating the reasons therefor, grant an extension of the period for the repayment of a loan in case of hardship arising out of the circumstances of a recipient of a loan. The extension must be for a period that will reasonably alleviate that hardship.

2. Applications for extensions must be filed within the time prescribed by regulation of the board of regents.

Sec. 9. 1. The board of regents shall:

(a) Receive, invest, disburse and separately account for all money received for the program.

(b) Use all the money that is accounted for separately pursuant to paragraph (a) only to provide loans to students and waivers of those loans pursuant to the program set forth in sections 2 to 9, inclusive, of this act.

(c) Report to the governor and the interim finance committee on or before October 1 of each year immediately preceding a regular session of the legislature, setting forth in detail the transactions conducted by the board of regents relating to the program during the biennium ending June 30 of that year.

(d) Make such recommendations for legislation that the board of regents considers appropriate for the program.

2. All money received in payment of loans or civil penalties must be deposited in the account required by subsection 1.

3. The money in the account required by subsection 1 and all interest and income earned on that money must remain in the account and does not revert to the state general fund at the end of any fiscal year.

Sec. 10. 1. The superintendent of public instruction shall transfer from the fund for school improvement to the University and Community College System of Nevada to provide loans and waivers of those loans pursuant to the program set forth in sections 2 to 9, inclusive, of this act, the sum of \$250,000.

2. The board of regents shall:

(a) Use the money transferred pursuant to subsection 1 only to provide loans to students and waivers of those loans pursuant to the program set forth in sections 2 to 9, inclusive, of this act.

(b) Account for the money separately and credit that account with any interest and income earned on the money.

(c) Use all the money in the account, including, without limitation, all interest and income earned, only to provide loans to students and waivers of those loans pursuant to the program set forth in sections 2 to 9, inclusive, of this act.

Sec. 11. 1. There is hereby appropriated from the state general fund to the department of education for reimbursement of costs incurred by teachers to obtain endorsements in certain fields of specialization:

For the fiscal year 2001-2002 \$50,000

For the fiscal year 2002-2003 \$50,000

2. The department of education shall:

(a) In consultation with the boards of trustees of school districts throughout this state, identify fields of specialization where a shortage of teachers exist; and

(b) Maintain a list available for public inspection that contains the fields of specialization identified pursuant to paragraph (a).

3. A teacher who holds a current license to teach issued pursuant to chapter 391 of NRS may submit an application on a form provided by the department of education for reimbursement of the costs incurred by the teacher after July 1, 2001, in obtaining an endorsement in a field of

specialization identified pursuant to subsection 2. The reimbursement must not exceed an amount equal to the actual verified costs incurred by a teacher in obtaining an endorsement or \$2,000, whichever is less.

4. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend sec. 2, page 2, line 9, by deleting “\$230,680” and inserting “\$180,000”.

Amend sec. 2, page 2, line 10, by deleting “\$230,680” and inserting “\$205,000”.

Amend sec. 3, page 2, by deleting lines 25 through 27 and inserting:

“Sec. 14. This act becomes effective on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; authorizing the board of regents of the University of Nevada to administer a program of loans for students who are enrolled in teaching programs; providing for the waiver of those loans by the board of regents under certain circumstances; requiring certain transfers of money from the fund for school improvement; making an appropriation to reimburse certain costs incurred by licensed teachers in obtaining endorsements in certain fields of specialization; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to educational personnel. (BDR 34-434)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 664.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1078.

Amend sec. 17, page 20, line 23, by deleting “10” and inserting “11”.

Amend sec. 17, page 20, line 47, by deleting: “1, 5 and 8.” and inserting: “4, 6 and 10.”.

Amend sec. 17, page 21, line 4, by deleting: “4, 7 and 10.” and inserting: “5, 7, 8 and 11.”.

Amend sec. 17, page 21, line 10, by deleting “3, 6” and inserting “1, 3”.

Amend the bill as a whole by deleting sections 19 through 28 and adding new sections designated sections 19 through 28, following sec. 18, to read as follows:

“Sec. 19. NRS 396.0415 is hereby amended to read as follows:

396.0415 [~~Subdistrict A of district 1 consists of, in Washoe County:~~

~~1. Census voting districts 0103, 0105, 0106, 0109, 0111, 0112, 0116, 0118, 0121, 0122, 0123, 0124, 0125, 0127, 0131, 0132, 0133, 0135, 0136, 0200, 0203, 0206, 0208, 0212, 0215, 0223, 0231, 0232, 0235, 0240, 0242, 0243, 0244, 0245, 0251, 0252, 0253, 0305, 0306, 0310, 0312, 0317, 0323, 0335, 0336, 0337, 0338, 0339, 0346, 0347, 0348, 0350, 0351, 0402, 0403, 0410, 0420 and 0425, that portion of census voting district 0500 located in the Reno Sparks census county division, and census voting districts 0501, 0507, 0516, 0517, 0521, 0522, 0524, 0532, 0533, 0534, 0535, 0536, 0700, 0701, 0702, 0704, 0707, 0709, 0710, 0749, 0761, 0780, 0781, 0782, 0795, 0803, 0849 and 0901.~~

~~2. All of census voting district 0444 except blocks 301B and 302B.]~~
District 1 consists of, in Clark County:

1. *Census tracts 000201, 000203, 000301, 000302, 000900, 003425, 003500, 003602, 003607, 003609, 003610, 003611, 003612, 003613, 003614, 003615, 003700, 004703, 004708, 004710, 004711, 004712, 004713, 004714, 004715, 004716, 004916, 004917, 006000, 006201, 006202, 006203 and 006204.*

2. *Census voting districts 2021, 2037, 2044, 2118, 2129, 2130, 2140, 3019, 3022, 3172, 4012, 4021, 4033 and 4060.*

3. *In census tract 000101, blocks 2000, 2001, 2002, 2003, 2014 and 2015.*

4. *In census tract 000204, blocks 1000 and 1003.*

5. *In census tract 000400, blocks 1002, 1003, 4006, 4007, 4008, 4009, 4016, 4017 and 6005.*

6. *In census tract 000700, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.*

7. *In census tract 000800, blocks 1004, 1005, 1006, 1007, 1008, 1009, 2004, 2005, 2006, 2007, 2008, 2009, 2016, 2017, 2018, 2019, 2020, 2021 and 2022.*

8. *In census tract 001100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.*

9. *In census tract 003417, block 4011.*

10. *In census tract 003424, block 1000.*

11. *In census tract 003603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 2000, 2001, 2002, 2003, 2004,*

2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

12. In census tract 003605, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2025, 2026, 2027, 2028, 2029, 2030 and 2031.

13. In census tract 003608, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3012 and 3013.

14. In census tract 003800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 3006, 3008, 4000, 4001, 4002, 4003, 4004 and 4009.

15. In census tract 004400, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1017, 1018, 1019, 2001, 2002, 2003 and 2004.

16. In census tract 004500, blocks 1002, 1003, 1005, 1006 and 1011.

17. In census tract 004600, blocks 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019.

18. In census tract 004707, blocks 1000, 1001, 1002, 1003, 1006, 1008, 1009 and 1010.

19. In census tract 004709, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004 and 2005.

20. In census tract 004717, blocks 1000, 1001, 1002, 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

21. In census tract 005902, blocks 1239, 1240, 1241, 1242 and 1243.

22. In census tract 006102, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034 and 3035.

23. In census tract 006103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 2001, 2002, 2003, 2004, 2005 and 2006.

Sec. 20. NRS 396.0425 is hereby amended to read as follows:

396.0425 ~~{Subdistrict B of district 1 consists of, in Washoe County:~~

1. ~~Census voting districts 0401, 0404, 0412, 0419, 0421, 0428, 0429, 0430, 0441, 0442, 0443, 0445, 0453, 0455, 0456, 0457 and 0458, that portion of census voting district 0500 located in the Verdi census county division, census voting districts 0505, 0508, 0610, 0611, 0613, 0614, 0615, 0616, 0617, 0619, 0620, 0621, 0624, 0625, 0626, 0627, 0630, 0631, 0632, 0633, 0634, 0635, 0638, 0639, 0640, 0641, 0642, 0643, 0648, 0649, 0650, 0651, 0652, 0654, 0655, 0658, 0659, 0708, 0713, 0714, 0719, 0725, 0726, 0728, 0734, 0735, 0741, 0747, 0748, 0750, 0752, 0753, 0755, 0760 and 0768, that portion of census voting district 0771 located in the Verdi census county division, census voting districts 0774, 0796, 0801, 0802, 0807, 0808, 0809, 0810, 0811, 0812 and 0813, that portion of census voting district 0815 located in the Reno Sparks census county division, and census voting~~

~~districts 0821, 0848, 0850, 0851, 0852, 0853, 0854, 0855, 0856, 0904, 0905 and 0907.~~

~~2. In census voting district 0444, blocks 301B and 302B.] District 2 consists of, in Clark County:~~

~~1. Census tracts 001606, 001715, 001716, 001718, 004907, 004910, 004911, 004912, 004914, 004915, 004918, 004919, 004920, 004921, 004922, 004923, 004924, 005005, 005006, 005007, 005008, 005009, 005010, 005011, 005012, 005101, 005105, 005109, 005200, 005335, 005336, 005341, 005342, 005343, 005345, 005411, 005412, 005421, 005422, 005423, 005431, 005432, 005433, 005502, 005503, 005504 and 006101.~~

~~2. Census voting districts 1002, 1003, 1070, 6102, 7044 and 7045.~~

~~3. In census tract 001607, block 1010.~~

~~4. In census tract 001710, blocks 2000, 2001 and 2002.~~

~~5. In census tract 005315, block 3000.~~

~~6. In census tract 005334, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.~~

~~7. In census tract 005339, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~8. In census tract 005501, blocks 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026.~~

~~9. In census tract 005613, blocks 1207, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1232, 1233, 1234, 1235, 1236, 1237, 1996 and 1997.~~

~~10. In census tract 005703, blocks 1000, 1001, 1002, 1003, 1007, 1008, 1009, 1010, 1993, 1994, 1995, 1996, 1997, 1998 and 1999.~~

~~11. In census tract 005710, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1018 and 1053.~~

~~12. In census tract 006102, block 3026.~~

~~13. In census tract 006103, block 2000.~~

Sec. 21. NRS 396.043 is hereby amended to read as follows:

396.043 ~~[Subdistrict A of district 2 consists of:~~

~~1. In Clark County, census voting districts 0025, 0030, 0035, 0065, 0100, 0105, 0130, 0160, 0300, 0310, 0385, 0430, 0470, 0515, 0535, 0540, 0605, 0610, 0785, 0935, 0955, 1105, 1110, 1115, 1120, 1125, 1130, 1135, 1140, 1145, 1155, 1160, 1165, 1170, 1175, 1180, 1190, 1200, 1205, 1210, 1215, 1220, 1225, 1230, 1235, 1240, 1245, 1250, 1255, 1265, 1300, 1330, 1340, 2325, 2395, 2400, 2405, 2410, 2855, 2875, 2945, 2955, 2960, 2970, 2975, 2980, 2985, 2990 and 2995.~~

~~2. In Clark County, in census voting district 0145, blocks 101 to 104, inclusive, 116, 131, 204 and 216.~~

~~3. In Clark County, all of census voting district 1150 except block 210.~~

~~4. In Clark County, in census voting district 1260, blocks 212, 214, 215, 216, 218, 219, 220, 222, 224 and 227.~~

~~5. In Clark County, all of census voting district 1275 except blocks 214 and 218.~~

~~6. In Clark County, in census voting district 2260, blocks 501, 513 to 517, inclusive, and 522.~~

~~7. In Clark County, all of census voting district 2965 except blocks 901 and 902.] District 3 consists of, in Clark County:~~

1. Census tracts 001706, 001707, 001708, 001709, 001711, 001712, 001713, 001714, 001717, 001801, 001803, 001804, 002504, 002505, 002506, 002808, 002817, 002818, 002821, 002823, 002824, 002825, 002826, 005102, 005103, 005104, 005106, 005107, 005108, 005311, 005312, 005313, 005314, 005316, 005317, 005318, 005319, 005320, 005321, 005322, 005331, 005332, 005333, 005337, 005338, 005702, 005704, 005705 and 940500.

2. Census voting districts 1115, 5024, 5028, 5036, 5038, 5039, 5065, 6103, 7026 and 7064.

3. In census tract 001400, blocks 2000, 2001, 2002, 2019, 2020, 2021, 2022, 2023 and 3000.

4. In census tract 001500, blocks 1013, 1014, 1015, 1016 and 2015.

5. In census tract 001607, block 2010.

6. In census tract 001608, block 2002.

7. In census tract 001609, blocks 1003 and 2004.

8. In census tract 001710, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1015.

9. In census tract 002501, blocks 3004, 3005, 3006, 3007 and 3008.

10. In census tract 002822, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.

11. In census tract 002827, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

12. In census tract 005315, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1016, 1017, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015.

13. In census tract 005334, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034.

14. In census tract 005339, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042.

15. In census tract 005501, block 2028.

16. In census tract 005703, blocks 1004, 1005, 1006, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1077, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532,

1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1986, 1987, 1988, 1989, 1990, 1991 and 1992.

17. In census tract 005710, blocks 1013, 1020, 1021, 1022, 1025, 1026, 1027, 1028, 1031, 1037, 1038, 1039, 1051, 1052, 1055, 1056, 1057, 1061, 1062, 1063, 1070, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 and 1145.

18. In census tract 005816, blocks 1519, 1520, 1533, 1534, 1537, 1538, 1539, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1555 and 1999.

Sec. 22. NRS 396.0435 is hereby amended to read as follows:

396.0435 ~~[Subdistrict B of district 2 consists of:~~

~~1. In Clark County, census voting districts 0015, 0040, 0175, 0185, 0190, 0210, 0235, 0240, 0245, 0260, 0270, 0280, 0285, 0290, 0315, 0325, 0360, 0365, 0370, 0375, 0390, 0400, 0405, 0440, 0490, 0495, 0530, 0550, 0555, 0560, 0565, 0580, 0585, 0600, 0620, 0650, 0680, 0685, 0700, 0705, 0710, 0720, 0725, 0735, 0760, 0770, 0790, 0795, 0830, 0835, 0840, 0850, 0890, 0895, 0940, 1055, 1060, 1075, 1760, 1810, 1825, 1835, 1855, 1880, 1885, 1910, 1915, 1920, 1950, 1985, 2015, 2030, 2070, 2080, 2330, 3005, 3020, 3055, 3065, 3105, 3110, 3125, 3140, 3145, 3150 and 3160.~~

~~2. In Clark County, in census voting district 0145, blocks 105, 114, 115, 117 and 118.] District 4 consists of, in Clark County:~~

~~1. Census tracts 000102, 000103, 000104, 000105, 001004, 001005, 001006, 002201, 002300, 002403, 002404, 002405, 002406, 002601, 003001, 003003, 003004, 003005, 003006, 003101, 003102, 003209, 003411, 003412, 003415, 003416, 003418, 003419, 003420, 003421, 003422 and 003423.~~

~~2. Census voting districts 2051, 2052, 2053, 2054, 2055, 2105, 2106, 3023, 3024, 3099, 3100, 3101, 3102, 3104, 3119, 3173, 3174, 3185, 5049, 5050, 5066, 6032 and 6038.~~

~~3. In census tract 000101, blocks 3008, 3009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014 and 4015.~~

~~4. In census tract 002203, blocks 1000, 1002, 1004, 1005, 1006, 1007, 1008 and 1009.~~

~~5. In census tract 002204, block 1004.~~

~~6. In census tract 003220, block 3008.~~

~~7. In census tract 003224, blocks 2000 and 2013.~~

~~8. In census tract 003413, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2015, 2016, 2017 and 2018.~~

9. *In census tract 003424, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010.*

Sec. 23. NRS 396.044 is hereby amended to read as follows:

396.044 ~~[Subdistrict C of district 2 consists of, in Clark County, census voting districts 1090, 1360, 1590, 1710, 1715, 1720, 1725, 1730, 1735, 1740, 1770, 1775, 1785, 1805, 1840, 1895, 1900, 1905, 1930, 1935, 1940, 1945, 1955, 1960, 1965, 1980, 2000, 2035, 2040, 2045, 2060, 2065, 2075, 2170, 2570, 2575, 2585, 2590, 2600, 2605, 2610, 2615, 2620, 2630, 2635, 2645, 2650, 2655, 2660, 2665, 2680, 2685, 2695, 2700, 2710, 2715, 2720, 2725, 2730, 2740, 2885, 2890, 2900, 2905, 2915, 2920, 2925, 2930, 3030, 3070, 3075, 3080, 3095, 3100, 3115, 3120, 3130, 3155 and 3190.] District 5 consists of, in Clark County:~~

1. *Census tracts 001003, 002205, 002602, 002603, 002702, 002706, 002707, 002708, 002709, 002807, 002809, 002810, 002811, 002814, 002815, 002816, 002828, 002829, 002830, 002831, 002832, 002833, 002834, 002835, 002836, 002905, 002912, 002916, 002919, 002925, 002935, 002936, 002937, 002938, 002939, 002942, 002946, 002947, 002948, 002949, 002954, 002955, 002956, 002958, 002961, 002962 and 002963.*

2. *Census voting district 1065.*

3. *In census tract 002203, block 1003.*

4. *In census tract 002204, blocks 2000 and 2001.*

5. *In census tract 002927, block 2000.*

6. *In census tract 005710, block 1127.*

7. *In census tract 005816, blocks 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1114, 1115, 1116, 1117, 1121, 1122, 1123, 1124, 1125, 1126, 1523 and 1524.*

Sec. 24. NRS 396.0445 is hereby amended to read as follows:

396.0445 ~~[Subdistrict D of district 2 consists of:~~

1. ~~In Clark County, census voting districts 1345, 1350, 1355, 1365, 1370, 1375, 1380, 1390, 1395, 1400, 1410, 1415, 1425, 1430, 1440, 1445, 1450, 1460, 1465, 1470, 1475, 1480, 1485, 1490, 1495, 1500, 1510, 1525, 1540, 1545, 1550, 1570, 1575, 1580, 1585, 1605, 1610, 1615, 1620, 1625, 1630, 1635, 1640, 1645, 1650, 1655, 1660, 1665, 1675, 1680, 1685, 1690, 1790, 1820, 1830, 1845, 1865, 1875, 2005, 2050, 2055, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2280, 2300, 2535, 2540, 2545, 2580, 2595, 2625, 2640, 2670, 2675, 2690, 2705, 2745, 2910, 2935, 3180, 3205, 3270, 3275, 3280, 3285, 3290, 3295 and 3300.~~

2. ~~In Clark County, in that portion of census voting district 3185 located in the Las Vegas census county division:~~

~~(a) Blocks 105B, 201C, 901B and 903C; and~~

~~(b) Block 902 located in census tract 005403.] District 6 consists of, in Clark County:~~

1. *Census tracts 000503, 000504, 000510, 000511, 000512, 000513, 000514, 000515, 000516, 000517, 000518, 000519, 000600, 001200, 001300, 001610, 001611, 001612, 001613, 001901, 001902, 004000, 004100, 004200 and 004300.*
2. *Census voting districts 2018, 2020, 2056, 4008, 4039, 5003, 5004, 5006 and 5007.*
3. *In census tract 000204, blocks 2000, 2001, 2002, 2013 and 2014.*
4. *In census tract 000400, blocks 1001, 1004, 1007, 3004, 3005, 3006, 3007, 3008, 3012, 3013, 3014, 3015, 4005, 4010, 4011, 4012, 4013, 4014, 4015, 5002, 5003, 5004, 5011, 5012, 6000, 6001, 6002, 6003, 6004, 6006, 6007, 6008, 6009, 6010, 6011 and 6012.*
5. *In census tract 000700, blocks 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1052, 1053, 1054 and 1055.*
6. *In census tract 000800, blocks 1000, 1001, 1002, 1003, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2010, 2011, 2012, 2013, 2014, 2015 and 2023.*
7. *In census tract 001100, blocks 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009.*
8. *In census tract 001400, blocks 1015, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 5002, 5003, 5008, 5009, 5010, 5011, 5012 and 5018.*
9. *In census tract 001500, blocks 1000, 1001, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.*
10. *In census tract 001608, block 2001.*
11. *In census tract 001609, blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026.*
12. *In census tract 002000, blocks 1000, 1001, 1002, 1003, 2000, 3000 and 3001.*
13. *In census tract 003800, block 4013.*
14. *In census tract 004400, blocks 1000, 1001, 1002, 1003, 1004, 1012, 1013, 1014, 1015, 1016, 2000, 2005, 2006, 2007, 2008, 2009, 2010, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011 and 4012.*
15. *In census tract 004500, blocks 1007, 1008, 1009, 1010, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3014 and 3015.*
16. *In census tract 004600, blocks 1002, 1012, 1019, 2007, 2008, 2009, 2010, 2011, 2012 and 2015.*
17. *In census tract 004707, blocks 1004, 1005 and 1007.*
18. *In census tract 004709, blocks 1006, 1007, 2006, 2007 and 2008.*

19. *In census tract 004717, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.*

Sec. 25. NRS 396.045 is hereby amended to read as follows:

396.045 ~~[Subdistrict E of district 2 consists of, in Clark County, census voting districts 0010, 0055, 0060, 0070, 0080, 0095, 0150, 0155, 0165, 0200, 0205, 0220, 0225, 0255, 0265, 0295, 0330, 0350, 0425, 0450, 0455, 0460, 0475, 0485, 0505, 0510, 0520, 0525, 0570, 0590, 0675, 0690, 0695, 0750, 0765, 0775, 0960, 0965, 1755, 1765, 1780, 1800, 1815, 1850, 1870, 1890, 1970, 2010, 2020, 2155, 2160, 2165, 2175, 2180, 2185, 2190, 2195, 2200, 2215, 2230, 2240, 2245, 2830, 2880, 3010, 3015, 3025, 3035, 3040, 3045, 3050, 3060, 3090, 3135, 3215 and 3240.]~~ *District 7 consists of, in Clark County:*

1. *Census tracts 002915, 002940, 002941, 002944, 002950, 002951, 002952, 002953, 002957, 002960, 003210, 003211, 003212, 003213, 003214, 003215, 003216, 003217, 003218, 003219, 003221, 003222, 003223, 003225, 003226, 003227, 005803, 005804, 005805, 005806, 005807, 005808, 005809, 005811, 005812, 005813, 005819, 005820 and 005821.*

2. *Census voting districts 3083, 3084, 3088, 3196, 6092 and 6093.*

3. *In census tract 003207, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013 and 5014.*

4. *In census tract 003220, block 3007.*

5. *In census tract 003224, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001, 3002, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4000, 4001, 4002, 4003, 4004, 4006, 4007, 5000, 5001, 5002, 5003, 5004 and 5005.*

6. *In census tract 005810, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1025, 1026, 1027 and 1034.*

7. *In census tract 005816, blocks 1112, 1113, 1118, 1119, 1120, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1207, 1208, 1209, 1210, 1211, 1221, 1222, 1223, 1224, 1225, 1240, 1285, 1287, 1290, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1521, 1522, 1525, 1526, 1527, 1528, 1529, 1530, 1531,*

1532, 1535, 1536, 1540, 1541, 1542, 1554, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566 and 1567.

8. In census tract 005817, blocks 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1148, 1151 and 1152.

Sec. 26. NRS 396.0451 is hereby amended to read as follows:

396.0451 ~~[Subdistrict F of district 2 consists of:~~

1. ~~Lincoln County.~~

2. ~~In Clark County, census voting districts 0020, 0050, 0085, 0120, 0250, 0305, 0465, 0630, 0660, 1070, 1185, 1195, 1455, 1515, 1600, 1695, 1750, 1795, 2095, 2205, 2210, 2225, 2250, 2255, 2265, 2270, 2275, 2305, 2310, 2315, 2555, 2565, 2750, 2755, 2760, 2770, 2775, 2780, 2785, 2790, 2795, 2800, 2805, 2810, 2815, 2820, 2825, 2835, 2840, 2845, 2850, 2860, 2865, 2870 and 2950, that portion of census voting district 3185 located in the Clark census county division, and census voting districts 3255 and 3305.~~

3. ~~In Clark County, in census voting district 1150, block 210.~~

4. ~~In Clark County, in census voting district 1260, blocks 101, 102, 103 and 123.~~

5. ~~In Clark County, in census voting district 1275, blocks 214 and 218.~~

6. ~~In Clark County, in that portion of census voting district 3185 located in the Las Vegas census county division:~~

(a) ~~Block 201B located in census tract 0051.~~

(b) ~~Block 201B located in census tract 005401.~~

(c) ~~Blocks 204B, 901D, 903, 904, 905B and 906C.~~

(d) ~~Block 902 located in census tract 005401.~~

7. ~~In Clark County, in census voting district 2260, blocks 502, 508 to 512, inclusive, and 518.~~

8. ~~In Clark County, in census voting district 2965, blocks 901 and 902.]~~
District 8 consists of:

1. *Elko County, Lincoln County and White Pine County.*

2. *In Clark County:*

(a) *Census tracts 003203, 003204, 003205, 003206, 003208, 003301, 003302, 003303, 003304, 003305, 003306, 003408, 003409, 003604, 003606, 005606, 005607, 005608, 005609, 005611, 005612, 005818 and 005901.*

(b) *Census voting districts 1020, 1021, 2038, 2078, 2079, 3131, 3136 and 3138.*

(c) *In census tract 003207, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005 and 2006.*

(d) *In census tract 003413, blocks 2000, 2001, 2002 and 2003.*

(e) *In census tract 003603, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1025, 1026, 1027, 1028, 1029, 1073 and 1074.*

(f) *In census tract 003605, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,*

1018, 1019, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2032, 2033, 2034 and 2035.

(g) *In census tract 003608, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 3000, 3001, 3002 and 3011.*

(h) *In census tract 005613, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1070, 1071, 1072, 1078, 1079, 1080, 1082, 1084, 1085, 1092, 1093, 1094, 1095, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1119, 1120, 1121, 1122, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1147, 1166, 1167, 1182, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2068, 2069, 2070, 2071, 2072, 2073 and 2074.*

(i) *In census tract 005810, blocks 1000, 1001, 1002, 1021, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032 and 1033.*

(j) *In census tract 005816, blocks 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1286, 1288, 1289, 1291 and 1292.*

(k) *In census tract 005817, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1149, 1150, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163 and 1164.*

(l) *In census tract 005902, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041,*

1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1118, 1121, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1259, 1260, 1261, 1262, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 9011 and 9019.

3. *In Nye County:*

(a) *Census tracts 980402, 980403, 980404, 980405 and 980406.*

(b) *Census voting district 0080.*

(c) *In census tract 980300, blocks 3158, 3159 and 3160.*

(d) *In census tract 980401, blocks 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1202, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1257, 1258, 1259, 1260, 1321, 1322, 1323, 1324, 1326, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1364, 1365, 1368, 1369, 1370, 1371, 1372, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084,*

2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107 and 2108.

Sec. 26.5. NRS 396.0453 is hereby amended to read as follows:

396.0453 ~~[Subdistrict G of district 2 consists of:~~

1. ~~In Nye County, census voting districts 0060, 0065, 0070, 0075, 0080, 0085, 0090 and 0095.~~

2. ~~In Clark County, census voting districts 0005, 0045, 0075, 0090, 0115, 0125, 0140, 0170, 0195, 0230, 0320, 0340, 0395, 0410, 0415, 0435, 0445, 0480, 0595, 0615, 0625, 0635, 0640, 0655, 0670, 0715, 0745, 0755, 0800, 0805, 0845, 0855, 0860, 0870, 0875, 0880, 0885, 0900, 0910, 0930, 0950, 0980, 0985, 0990, 1020, 1045, 1050, 1065, 1080, 1095, 1925, 1975, 2090, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2380, 2385, 2390, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2530, 3175 and 3210.]~~

District 9 consists of:

1. *Carson City, Churchill County, Douglas County, Esmeralda County, Eureka County, Lander County, Lyon County, Mineral County and Pershing County.*

2. *In Nye County:*

(a) *Census tracts 980100, 980200 and 980500.*

(b) *Census voting districts 0060, 0070 and 0075.*

(c) *In census tract 980300, block 1028.*

(d) *In census tract 980401, blocks 1026, 1027 and 1074.*

Sec. 27. NRS 396.0455 is hereby amended to read as follows:

396.0455 ~~[Subdistrict A of district 3 consists of:~~

1. ~~Churchill County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Mineral County, Pershing County and White Pine County.~~

2. ~~In Lyon County, census voting districts 0060, 0065, 0070, 0075 and 0080.~~

3. ~~In Nye County, census voting districts 0005, 0010, 0015, 0020, 0025, 0030, 0035, 0040, 0045, 0050 and 0055.~~

4. ~~In Washoe County, census voting district 0805, that portion of census voting district 0815 located in the Pyramid Lake census county division, and census voting district 0910.]~~ *District 10 consists of, in Washoe County:*

1. *Census tracts 000100, 000200, 000300, 000400, 000700, 000900, 001003, 001004, 001005, 001006, 001007, 001101, 001103, 001104, 001105, 001200, 001300, 001400, 002101, 002103, 002104, 002105, 002106, 002202, 002203, 002204, 002205, 002406, 003201, 003202, 003302 and 003304.*

2. *Census voting districts 144, 145, 148, 400, 401, 404, 411, 501, 503, 504, 509, 530, 531, 539, 540, 750, 752, 764, 797 and 848.*

3. *In census tract 001500, blocks 2002, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3014, 4000, 4001, 4002, 4004, 4013, 4014, 4017, 4018, 4019, 4020 and 4021.*

4. *In census tract 002300, blocks 1000, 1002, 1003, 1004, 1016, 1017, 1018, 2008, 2012, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2119, 2143, 2144, 2994 and 2995.*

5. *In census tract 002401, blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.*

6. *In census tract 002402, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2027, 2028, 2029, 2030, 2031, 2032, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2080, 2087, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3020, 3021, 3022 and 3024.*

7. *In census tract 002500, blocks 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 3000, 3001, 3002, 3003, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025 and 3026.*

8. *In census tract 003101, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085 and 2999.*

Sec. 28. NRS 396.046 is hereby amended to read as follows:

396.046 ~~[Subdistrict B of district 3 consists of:~~

1. ~~Carson City, Douglas County and Storey County.~~

2. ~~In Lyon County, census voting districts 0005, 0010, 0015, 0020, 0025, 0030, 0035, 0040, 0045, 0050 and 0055.~~

3. ~~In Washoe County, census voting districts 0326, 0334, 0341, 0344, 0349, 0703, 0705, 0712, 0716, 0720, 0721, 0722, 0723, 0724, 0727, 0729, 0730, 0731, 0732, 0733, 0736, 0737, 0739, 0740, 0742, 0744, 0746 and 0769, that portion of census voting district 0771 located in the New Washoe City census county division, and census voting districts 0816, 0817, 0818, 0832, 0833, 0834, 0902, 0903, 0930, 0933, 0935, 0939 and 0945.] District 11 consists of:~~

1. *Humboldt County and Storey County.*

2. *In Washoe County:*

(a) *Census tracts 001700, 001800, 001901, 001902, 002603, 002604, 002605, 002606, 002607, 002609, 002701, 002702, 002801, 002802, 002901, 002902, 003000, 003105, 003106, 003107, 003108, 003501, 003502, 003503, 003504, 003505, 003506, 003507 and 940100.*

(b) *Census voting districts 511, 513, 632, 706, 751, 913, 914 and 934.*

(c) *In census tract 001500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020 and 1021.*

(d) *In census tract 002300, blocks 2000, 2001, 2003, 2004, 2009, 2010, 2011, 2013, 2014, 2015 and 2020.*

(e) *In census tract 002401, blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018.*

(f) *In census tract 002402, blocks 1006, 1007, 1008, 1009, 1017, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3019.*

(g) *In census tract 002500, blocks 1000, 1001, 1002, 1003, 1004, 1007 and 1009.*

(h) *In census tract 003101, blocks 1000, 1001, 1002, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2042, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2067, 2068, 2069, 2070, 2071 and 2072.”.*

Amend sec. 30, page 38, by deleting line 9 and inserting:

“2. Those members of the”.

Amend sec. 30, page 38, by deleting lines 14 through 30 and inserting:

“(a) The member elected from subdistrict A of district 2 shall represent district 1 as described in section 19 of this act.

(b) The member elected from subdistrict F of district 2 shall represent district 2 as described in section 20 of this act.

(c) The member elected from subdistrict D of district 2 shall represent district 3 as described in section 21 of this act.

(d) The member elected from subdistrict C of district 2 shall represent district 5 as described in section 23 of this act.

(e) The member elected from subdistrict G of district 2 shall represent district 7 as described in section 25 of this act.

(f) The member elected from subdistrict A of district 3 shall represent district 8 as described in section 26 of this act.

(g) The member elected from subdistrict B of district 3 shall represent district 9 as described in section 26.5 of this act.

(h) The member elected from subdistrict B of district 1 shall represent district 11 as described in section 28 of this act.”.

Amend sec. 30, page 38, line 31, by deleting “4.” and inserting “3.”.

Amend sec. 31, pages 38 and 39, by deleting lines 44 through 49 on page 38 and lines 1 and 2 on page 39, and inserting:

“(1) The member elected from subdistrict B of district 2, if seeking election in 2002 to district 2 as described in section 6 of this act.

(2) The member elected from subdistrict E of district 2, if seeking election in 2002 to district 5 as described in section 9 of this act.

(3) The member elected from subdistrict C of district 2, if seeking election in 2002 to district 6 as described in section 10 of this act.

(4) The member elected from subdistrict A of district 3, if seeking election in 2002 to district 10 as described in section 14 of this act.”.

Amend sec. 31, page 39, by deleting lines 7 through 10 and inserting:

“(1) The member elected from subdistrict E of district 2, if seeking election in 2002 to district 4 as described in section 22 of this act.

(2) The member elected from subdistrict A of district 1, if seeking election in 2002 to district 10 as described in section 27 of this act.”.

Amend sec. 32, page 39, line 13, by deleting:

“385.0259, 396.041 and 396.0453” and inserting:

“385.0259 and 396.041”.

Amend the bill as a whole by deleting the leadlines of repealed sections and adding the text of repealed sections to read as follows:

“

TEXT OF REPEALED SECTIONS

385.022 Election districts.

1. In district 1, one member must be elected from each subdistrict described in NRS 385.0225 and 385.023.

2. In district 2, one member must be elected from each subdistrict described in NRS 385.0235 to 385.0259, inclusive.

3. In district 3, one member must be elected from each subdistrict described in NRS 385.026 and 385.0265.

385.0259 District 2: Subdistrict G. Subdistrict G of district 2 consists of:

1. In Nye County, census voting districts 0060, 0065, 0070, 0075, 0080, 0085, 0090 and 0095.

2. In Clark County, census voting districts 0005, 0045, 0075, 0090, 0115, 0125, 0140, 0170, 0195, 0230, 0320, 0340, 0395, 0410, 0415, 0435, 0445, 0480, 0595, 0615, 0625, 0635, 0640, 0655, 0670, 0715, 0745, 0755, 0800, 0805, 0845, 0855, 0860, 0870, 0875, 0880, 0885, 0900, 0910, 0930, 0950, 0980, 0985, 0990, 1020, 1045, 1050, 1065, 1080, 1095, 1925, 1975, 2090, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2380, 2385, 2390, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2530, 3175 and 3210.

396.041 Election districts.

1. In district 1, one member must be elected from each subdistrict described in NRS 396.0415 and 396.0425.

2. In district 2, one member must be elected from each subdistrict described in NRS 396.043 to 396.0453, inclusive.

3. In district 3, one member must be elected from each subdistrict described in NRS 396.0455 and 396.046.”.

Amend the title of the bill, third line, by deleting: “changing the number of members of the board of regents;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywomen Giunchigliani and Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1047.

Amend sec. 2, page 1, by deleting lines 3 through 16 and inserting:

“Sec. 2. 1. *A public body may award a contract for the construction, alteration or repair of a public work pursuant to NRS 338.1375 to 338.1389, inclusive, to a specialty contractor if:*

(a) The majority of the work to be performed on the project to which the contract pertains consists of specialty contracting for which the specialty contractor is licensed; and

(b) The project to which the contract pertains is not part of a larger public work.

2. *If a public body awards a contract to a specialty contractor pursuant to NRS 338.1375 to 338.1389, inclusive, all work to be performed on the project to which the contract pertains that is outside the scope of the license of the specialty contractor must be performed by a subcontractor who is licensed to perform such work.”.*

Amend the bill as a whole by deleting sec. 3 and inserting:

“Sec. 3. (Deleted by amendment).”.

Amend sec. 4, page 2, by deleting lines 6 through 25 and inserting:

“Sec. 4. 1. *A local government may award a contract for the construction, alteration or repair of a public work to a specialty contractor pursuant to NRS 338.147 if:*

(a) The majority of the work to be performed on the project to which the contract pertains consists of specialty contracting for which the specialty contractor is licensed; and

(b) The project to which the contract pertains is not part of a larger public work.

2. *If a local government awards a contract to a specialty contractor pursuant to NRS 338.147, all work to be performed on the project to which the contract pertains that is outside the scope of the license of the specialty contractor must be performed by a subcontractor who is licensed to perform such work.”.*

Amend sec. 5, page 3, line 26, by deleting “or”.

Amend sec. 5, page 3, line 28, by deleting “NRS.” and inserting “NRS; or”.

Amend sec. 5, page 3, between lines 28 and 29, by inserting:

“(d) Comply with subsection 4 or 5 of NRS 338.070.”.

Amend sec. 5, page 4, by deleting lines 16 through 20 and inserting:

~~“[11.] 12. “Specialty contractor” means a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.~~

~~12.] person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

13. “Stand-alone underground utility project” means an”.

Amend sec. 6, page 5, line 21, by deleting “or”.

Amend sec. 6, page 5, line 23, by deleting “NRS.” and inserting “NRS; or”.

Amend sec. 6, page 5, between lines 23 and 24, by inserting:

“(d) Comply with subsection 4 or 5 of NRS 338.070.”.

Amend sec. 6, page 6, by deleting line 11 and inserting:

~~“[8.] 9. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

10. “Wages” means:”.

Amend sec. 6, page 6, line 16, by deleting “10.” and inserting “11.”.

Amend sec. 7, page 6, line 31, by deleting “inclusive.” and inserting: “inclusive, and section 1 of *Assembly Bill No. 86 of this [act.] session.*”.

Amend sec. 10, page 12, line 43, by deleting “of” and inserting “containing”.

Amend sec. 10, page 13, by deleting lines 13 and 14 and inserting:

“(b) The substitution is approved by the awarding authority or an authorized representative of the awarding authority. The substitution must be approved if the awarding authority or authorized representative of the awarding authority determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or”.

Amend sec. 10, page 13, line 16, after “same” by inserting “general”.

Amend sec. 10, page 13, between lines 22 and 23, by inserting:

“4. As used in this section, “general terms” means the terms and conditions of a contract that set the basic requirements for a project and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the project that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.”.

Amend the bill as a whole by adding a new section designated sec. 14.5, following sec. 14, to read as follows:

“Sec. 14.5. Section 1 of Senate Bill No. 255 of this session is hereby amended to read as follows:

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

2. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

3. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or is licensed as a professional engineer pursuant to chapter 625 of NRS.

4. “Design professional” means ~~[a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.]~~ :

(a) *A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;*

(b) *A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;*

(c) *A person who holds a certificate of registration to engage in the practice of architecture pursuant to chapter 623 of NRS;*

(d) *A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or*

(e) *A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.*

5. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body which awarded a contract for a public work pursuant to NRS 338.1375 to 338.1389, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or was exempt from meeting such qualifications pursuant to NRS 338.1383.

6. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

7. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

8. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

9. "Prime contractor" means a person who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own work force to perform all or a part of the construction, repair or reconstruction of the project; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to section 2 or 4 of *Senate Bill No. 63 of this [act.] session*.

10. "Public body" means the state, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work.

11. "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities which are financed in whole or in part by public money;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public funds; and

(10) All other publicly owned works and property whose cost as a whole exceeds \$20,000. Each separate unit that is a part of a project is included in the cost of the project to determine whether a project meets that threshold.

(b) A building for the University and Community College System of Nevada of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this state or from federal money.

12. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

13. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto, that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

14. “Wages” means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

15. “Workman” means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman. The term does not include a design professional.”

Amend sec. 15, page 21, by deleting lines 4 through 15 and inserting:

“Sec. 15. 1. This section and sections 1 to 4, inclusive, 7, 10, 13 and 14 of this act become effective on July 1, 2001.

2. Sections 5, 8 and 11 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Section 14.5 of this act becomes effective at 12:02 a.m. on July 1, 2001.

4. Sections 6 and 9 of this act become effective at 12:02 a.m. on October 1, 2003.

5. Section 12 of this act becomes effective at 12:03 a.m. on October 1, 2003.

6. Sections 5, 8, 11, 13 and 14 of this act expire by limitation on October 1, 2003.”

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1054.

Amend section 1, page 1, line 2, by deleting "\$817,740" and inserting "\$715,700".

Amend section 1, page 1, by deleting lines 10 to 13 and inserting: "Sedway Office Building; and

4. Resurfacing the floor of the main level of the parking garage.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Senate Bill No. 216.

Bill read second time.

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

Amendment No. 993.

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend sec. 4, page 2, by deleting lines 21 through 24 and inserting:

"Sec. 3. 1. *If a contractor who engages in the repair, restoration, improvement or construction of a residential pool or spa is determined by the board to have violated:*

(a) *One or more of the provisions of NRS 597.716, 597.719 or 624.301 to 624.305, inclusive; or*

(b) *Any regulation adopted by the board with respect to contracts for the repair, restoration, improvement or construction of a residential pool or spa, the board may require that the contractor obtain the services of a construction control for each contract that the contractor enters into for the repair, restoration, improvement or construction of a residential pool or spa.*".

Amend the bill as a whole by adding new sections designated sections 4 and 4.5, following sec. 4, to read as follows:

"Sec. 4. 1. *Any contractor or subcontractor who performs work for the repair, restoration, improvement or construction of a residential pool or spa shall, regardless of whether the work is performed under the direction of a builder who is also the owner of the property being improved:*

(a) *Apply for and obtain all applicable permits for the project; and*

(b) *Meet all applicable requirements imposed pursuant to this chapter, chapter 624 of NRS or any regulations adopted by the board with respect to*

contracts for the repair, restoration, improvement or construction of a residential pool or spa.

2. If a contractor or subcontractor performs work for the repair, restoration, improvement or construction of a residential pool or spa and the work is performed under the direction of a builder who is also the owner of the property being improved, the owner shall comply with all state and local laws and ordinances for the submission of names, licenses and information concerning any required bonds and insurance with respect to the contractors and subcontractors working on the project.

3. With respect to a contract for the repair, restoration, improvement or construction of a residential pool or spa, regardless of use, the work performed pursuant to such a contract must be supervised and controlled directly by the qualified employee or officer of the contract.

Sec. 4.5. A contractor who engages in the repair, restoration, improvement or construction of a residential pool or spa shall not:

1. Act as, or carry out the duties of, an officer, director, employee or owner of; or

2. Receive remuneration or any other thing of value for the loan, either directly or indirectly, from, a bonding company, finance company, or any other corporation or business entity who cosigns, underwrites, obtains a deed of trust for, issues, sells, purchases or acquires a loan to finance the repair, restoration, improvement or construction of a residential pool or spa.”.

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. 1. If the repair, restoration, improvement or construction of a residential pool or spa is to be financed by the owner, before the contractor performs any work for the repair, restoration, improvement or construction of the residential pool or spa, the owner must:

(a) Find a third-party to agree to make the loan or give financing.

(b) Agree to accept the loan or financing of the third-party.

(c) Not rescind the loan or financing transaction within the period prescribed for rescission pursuant to the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., or chapter 598 of NRS, if applicable.

2. A contract for the repair, restoration, improvement or construction of a residential pool or spa, regardless of use, is not enforceable against the owner if:

(a) Obtaining a loan for all or a portion of the contract price is a condition precedent to the contract.

(b) The contractor provides financing for all or a portion of the contract price.

3. An affiliate or associate of a contractor may not issue, purchase or acquire a loan to finance the repair, restoration, improvement or construction of a residential pool or spa, regardless of use.

4. *A contractor shall not represent in any manner that the contract is enforceable or that the owner has any obligation under the contract if the requirements of this section are not satisfied.*

5. *As used in this section:*

(a) *"Affiliate" means a person that directly, or indirectly through one or more intermediaries, is controlled by, or is under common control with, a specified person.*

(b) *"Associate," when used to indicate a relationship with any person, means:*

(1) *Any corporation or organization of which that person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of voting shares;*

(2) *Any trust or other estate in which that person has a substantial beneficial interest or for which he serves as trustee or in a similar fiduciary capacity; or*

(3) *Any relative or spouse of that person, or any relative of the spouse.*

(c) *"Third-party" means a bonding company, finance company, or any other corporation or business entity who cosigns, underwrites, obtains a deed of trust for, issues, sells, purchases or acquires a loan to finance the repair, restoration, improvement or construction of a residential pool or spa."*

Amend sec. 6, page 3, line 32, by deleting "*act*" and inserting: "*act, or any regulations adopted with respect to contracts for the repair, restoration, improvement or construction of a residential pool or spa*".

Amend sec. 6, page 3, line 35, by deleting "*519.719*" and inserting "*597.719*".

Amend sec. 9, pages 4 and 5, by deleting lines 41 through 48 on page 4 and lines 1 and 2 on page 5, and inserting:

"597.719 1. ~~[A]~~ *The board shall adopt by regulation mandatory elements to be included in all contracts to be used by contractors for the repair, restoration, improvement or construction of a residential pool or spa. Such mandatory elements must not be waived or limited by contract or in any other manner. On and after October 1, 2001, any contract entered into between a contractor and the owner of a single-family residence for the repair, restoration, improvement or construction of a residential pool or spa must comply with the standard elements adopted by the board. A contract that does not comply with the standard elements adopted by the board is void and unenforceable against the owner."*

Amend sec. 9, page 5, line 8, by deleting "*number;*" and inserting: "*number . ~~[A]~~*".

Amend sec. 9, page 5, line 10, by deleting "*property;*" and inserting "*property . ~~[A]~~*".

Amend sec. 9, page 5, lines 11, 13 and 14, by deleting "*contract;*" and inserting: "*contract . ~~[A]~~*".

Amend sec. 9, page 5, line 16, by deleting “taxes;” and inserting: “taxes . ~~[-;]~~”.

Amend sec. 9, page 5, by deleting lines 17 and 18 and inserting:

“(g) The amount , *not to exceed \$1,000 or 10 percent of the aggregate contract price, whichever is less*, of any ~~[advance]~~ deposit paid or promised to be paid to the contractor by the owner ~~[-;]~~ *before the start of construction.*”.

Amend sec. 9, page 5, line 20, by deleting “624.600;” and inserting: “624.600 . ~~[-;]~~”.

Amend sec. 9, page 5, by deleting line 25 and inserting: “incorporated into the original contract as a change order . ~~[-;]~~ *A change order is not enforceable against the owner contracting for the repair, restoration, improvement or construction of a residential pool or spa unless the change order clearly sets forth the scope of work to be completed and the price to be charged for the changes and is signed by the owner.*”.

Amend sec. 9, page 5, line 30, by deleting “work; and” and inserting: “work . ~~[-and]~~”.

Amend sec. 9, page 5, line 31, by deleting “amount” and inserting: “amount , *shown in numeral form,*”.

Amend sec. 9, page 5, line 33, after “contract.” by inserting: “*Unless the contractor has furnished a bond for payment and performance covering full performance and completion of the contract and the cost of the bond is included in the price of the project the payment schedule must not provide for the contractor to receive, nor may the contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except as authorized by subsection 1 of NRS 597.716 or the regulations adopted by the board. With respect to a contract executed before October 1, 2001, if any payment schedule set forth in the contract does not comply with the provisions of this chapter or chapter 624 of NRS or any regulations adopted pursuant thereto:*

(1) The obligation of the owner to make payments in accordance with the payment schedule shall be deemed void and unenforceable; and

(2) The lender, if any, may not initiate proceedings to enforce the payment of any applicable loan unless and until the contract is reformed or otherwise amended to comply with those provisions of law.

(l) If the contract provides for payment of a commission to a salesperson out of the contract price, a statement that the payment must be made on a pro rata basis in proportion to the schedule of payments made to the contractor by the disbursing party in accordance with the provisions of paragraph (k).”.

Amend the bill as a whole by deleting sections 10 through 12 and adding new sections designated sections 10 through 12, following sec. 9, to read as follows:

“Sec. 10. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. 1. *The board shall designate an employee as ombudsman for residential pools and spas.*

2. *The ombudsman for residential pools and spas shall:*

(a) *Assist owners of single-family residences, contractors and financial institutions to understand their rights and responsibilities as set forth in NRS 597.713, 597.716 and 597.719 and sections 2 to 6, inclusive, of this act, and any regulations adopted pursuant thereto.*

(b) *Notify the board if it appears that any person has engaged in any act or practice that constitutes a violation of any of the provisions of this chapter or NRS 597.713, 597.716 or 597.719 or sections 2 to 6, inclusive, of this act, or any regulations adopted pursuant thereto.*

Sec. 12. 1. *Before granting an original contractor's license to, or renewing the contractor's license of, an applicant who engages or will engage in the repair, restoration, improvement or construction of residential pools or spas, the board may, in addition to any other conditions for the issuance or renewal of a license, require the applicant to file with the board a bond for the protection of consumers in an amount fixed by the board.*

2. *A bond required pursuant to subsection 1 is in addition to, may not be combined with and does not replace any other bond required pursuant to the provisions of this chapter. A contractor required to file a bond pursuant to subsection 1 shall maintain the bond for 2 years or for such longer period as the board may require.*

3. *A bond required pursuant to subsection 1 must be provided by a person whose long-term debt obligations are rated "A" or better by a nationally recognized rating agency."*

Amend sec. 13, page 8, line 14, by deleting "\$100,000." and inserting "~~[\$100,000.]~~ \$500,000."

Amend sec. 13, page 8, line 17, after "force." by inserting: "*A bond required by this section must be provided by a person whose long-term debt obligations are rated "A" or better by a nationally recognized rating agency."*

Amend sec. 13, pages 8 and 9, by deleting lines 46 through 49 on page 8 and lines 1 through 10 on page 9, and inserting:

"7. *If a contractor who engages in the repair, restoration, improvement or construction of a residential pool or spa:*

(a) *Becomes licensed pursuant to chapter 624 of NRS on or after July 1, 2001;*

(b) *Is determined by the board to have violated one or more of the provisions of NRS 624.301 to 624.305, inclusive;*

(c) *Enters into a contract on or after July 1, 2001, that is later found to be void and unenforceable against the owner pursuant to subsection 5 of NRS 597.719 or pursuant to any regulation adopted by the board with respect to contracts for the repair, restoration, improvement or construction of a residential pool or spa; or*

(d) *Has five valid complaints filed against him with the board within any 15-day period,*
the contractor shall comply with the provisions of subsection 8.

8. *A contractor described in subsection 7 shall, before commencing work for the repair, restoration, improvement or construction of a residential pool or spa, furnish to the building department of the city or county, as applicable, in which the work will be carried out:*

(a) A performance bond in an amount equal to not less than 50 percent of the amount of the contract, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions set forth in the contract. The performance bond must be solely for the protection of the owner of the property to be improved.

(b) A payment bond in an amount equal to not less than 50 percent of the amount of the contract. The payment bond must be solely for the protection of persons supplying labor or materials to the contractor, or to any of his subcontractors, in carrying out the provisions of the contract.

A bond required pursuant to this subsection must be provided by a person whose long-term debt obligations are rated "A" or better by a nationally recognized rating agency. The contractor shall maintain the bond or cash deposit for the period required by the board.

9. As used in this section, "substantiated claims for wages" has the".

Amend the bill as a whole by adding new sections designated sections 13.3 and 13.7, following sec. 13, to read as follows:

"Sec. 13.3. NRS 624.490 is hereby amended to read as follows:

624.490 Within 2 years after an injured person has obtained a judgment in any court of competent jurisdiction for recovery of damages against a residential contractor for an act or omission of the residential contractor that is in violation of this chapter, *chapter 597 of NRS* or the regulations adopted pursuant thereto, the injured person may apply to the board for satisfaction of the judgment from the account if:

1. The proceedings in connection with the judgment have terminated, including appeals;

2. He submits an application on a form established for this purpose by the board;

3. He submits proof satisfactory to the board of the judgment; and

4. Upon obtaining payment from the account, he assigns his rights to enforce the judgment to the board.

Sec. 13.7. NRS 624.510 is hereby amended to read as follows:

624.510 1. Except as otherwise provided in NRS 624.490 and subsection 2, an injured person is eligible for recovery from the account if the board or its designee finds that the injured person suffered actual damages as a result of an act or omission of a residential contractor that is in violation of this chapter, *chapter 597 of NRS* or the regulations adopted pursuant thereto.

2. An injured person is not eligible for recovery from the account if:

(a) The injured person is the spouse of the licensee, or a personal representative of the spouse of the licensee;

(b) The injured person was associated in a business relationship with the licensee other than the contract at issue; or

(c) At the time of contracting with the residential contractor, the license of the residential contractor was suspended or revoked pursuant to NRS 624.300.

3. If the board or its designee determines that an injured person is eligible for recovery from the account pursuant to this section or NRS 624.490, the board or its designee may pay out of the account:

- (a) The amount of actual damages suffered, but not to exceed \$30,000; or
- (b) If a judgment was obtained as set forth in NRS 624.490, the amount of actual damages included in the judgment and remaining unpaid, but not to exceed \$30,000.

4. The decision of the board or its designee regarding eligibility for recovery and all related issues is final and not subject to judicial review.

5. If the injured person has recovered a portion of his loss from sources other than the account, the board shall deduct the amount recovered from the other sources from the amount payable upon the claim and direct the difference to be paid from the account.

6. To the extent of payments made from the account, the board is subrogated to the rights of the injured person, including, without limitation, the right to collect from a surety bond or a cash bond. The board and the attorney general shall promptly enforce all subrogation claims.

7. The amount of recovery from the account based upon claims made against any single contractor must not exceed \$200,000.

8. As used in this section, "actual damages" includes attorney's fees or costs in contested cases appealed to the supreme court of this state. The term does not include any other attorney's fees or costs."

Amend sec. 15, page 10, line 10, by deleting "4" and inserting "3".

Amend the bill as a whole by renumbering sections 16 and 17 as sections 18 and 19 and adding new sections designated sections 16 and 17, following sec. 15, to read as follows:

"Sec. 16. Section 20.5 of chapter 423, Statutes of Nevada 1999, at page 1972, is hereby amended by adding thereto a new section to read as follows:

Sec. 20.5. 1. The provisions of section 10 of this act apply to qualified services completed on or after July 1, 1998.

2. The provisions of section 11 of this act apply to judgments entered on or after July 1, 2000.

Sec. 17. Section 21 of chapter 423, Statutes of Nevada 1999, at page 1972, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 and 9 of this act become effective on October 1, 1999.

2. Sections 2 to 8, inclusive, and 10 to ~~{20,}~~ 20.5, inclusive, of this act become effective on July 1, 2001."

Amend sec. 17, page 10, by deleting lines 18 through 21 and inserting:

"3. Sections 3 to 8, inclusive, 10 to 13, inclusive, and 14, 15 and 18 of this act become effective on July 1, 2001.

4. Sections 13.3, 13.7, 16 and 17 of this act become effective at 12:01 a.m. on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; providing for the adoption of standards for advertisements used by contractors who repair, restore, improve or construct residential pools and spas; enacting and revising various provisions pertaining to such contractors; requiring the state contractors’ board to adopt standard contract elements for use by such contractors; providing for the designation of an ombudsman for residential pools and spas; revising the provisions governing eligibility for compensation from the recovery fund; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes pertaining to contractors who engage in repair, restoration, improvement or construction of residential pools and spas. (BDR 52-1037)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Dini moved that upon return from the printer Senate Bill No. 216 be placed on the Chief Clerk’s desk.

Remarks by Assemblyman Dini.

Motion carried.

Senate Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 880.

Amend the bill as a whole by deleting sections 1 through 42 and adding new sections designated sections 1 through 53, following the enacting clause, to read as follows:

“Section 1. NRS 385.363 is hereby amended to read as follows:

385.363 The department shall, on or before April 1 of each year:

1. Evaluate the information submitted by each school district pursuant to paragraphs (b) and (g) of subsection 2 of NRS 385.347; and

2. Except as otherwise provided in subsection 3 and NRS 385.364, based upon its evaluation and in accordance with the criteria set forth in NRS 385.365 and 385.367, designate each public school within each school district as:

- (a) Demonstrating exemplary achievement;
- (b) Demonstrating high achievement;
- (c) Demonstrating adequate achievement; or
- (d) Demonstrating need for improvement.

3. The department shall adopt regulations that set forth the conditions under which the department will not designate a public school pursuant to this section because the school:

(a) Has too few pupils enrolled in a grade level that is tested pursuant to NRS 389.015;

(b) Serves only pupils with disabilities;

(c) Operates only as an alternative program for the education of pupils at risk of dropping out of high school ~~§~~, *including, without limitation, a program of distance education for pupils at risk of dropping out of high school provided pursuant to sections 25 to 33, inclusive, of this act*; or

(d) Is operated within a:

(1) Youth training center;

(2) Youth center;

(3) Juvenile forestry camp;

(4) Detention home;

(5) Youth camp;

(6) Juvenile correctional institution; or

(7) Correctional institution.

Sec. 2. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. *The provisions of NRS 386.500 to 386.610, inclusive, and sections 3 to 6, inclusive, of this act do not authorize an existing public school, private school, home school or other program of home study to convert to a charter school.*

Sec. 4. 1. *A charter school shall not, except as otherwise authorized by subsection 5 of NRS 386.570, be supported by or otherwise affiliated with a corporation, business or other entity that operates for profit.*

2. *A charter school shall not operate for profit.*

3. *Neither a corporation, business or other entity that operates for profit, or any representative thereof, may operate or manage a charter school.*

4. *Neither a charter school nor the governing body of a charter school may enter into a contract or otherwise procure educational or administrative services for the charter school from a corporation, business or other entity that operates for profit, except for the procurement of equipment and supplies, clerical services and other services incidental to the educational services and programs provided by the charter school.*

Sec. 5. 1. *Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.*

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee

of a school district for services provided in accordance with a contract made pursuant to NRS 386.560.

3. *A person who violates subsection 1 shall be punished for a misdemeanor.*

Sec. 6. *If a charter school provides instruction to pupils enrolled in a high school grade level and the charter school requires those pupils to satisfy requirements for graduation from high school that are less than the requirements imposed by the school district in which the charter school is located, the charter school shall not issue a high school diploma of the school district but may issue a high diploma which clearly indicates that that it is a diploma issued by a charter school. The provisions of this section do not authorize a charter school to impose requirements for graduation from high school that are less than the requirements of the applicable state statutes and regulations.*

Sec. 7. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, and sections 3 to 6, inclusive, of this act, a pupil is “at risk” if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils with limited proficiency in the English language, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 8. NRS 386.505 is hereby amended to read as follows:

386.505 The legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The ~~[establishment of a charter school as a justification to keep open]~~ conversion of an existing public school ~~[that would otherwise be closed;]~~ to a charter school.

2. A means for providing financial assistance for private schools or programs of home study; or

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 9. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in ~~[NRS 391.311, alone or in combination with:~~

~~(a) Ten or more members;]~~ subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of ~~[an organization devoted to service to the general public;~~

~~(c) Representatives of a private business; or~~

~~(d)] nonprofit organizations and businesses; or~~

(c) Representatives of a college or university within the University and Community College System of Nevada.

A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this state at the time that the application to form the charter school is submitted to the department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, it must submit the application to the department. The application must include all information prescribed by the department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive [] , and sections 3 to 6, inclusive, of this act.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;
(2) Encouraging the use of effective methods of teaching;
(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide

transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

3. The department shall review an application to form a charter school to determine whether it is complete. *If an application proposes to convert an existing public school, private school, home school or other program of home study into a charter school, the department shall deny the application.* The department shall provide written notice to the applicant of its approval or denial of the application. If the department denies an application, the department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. *As used in subsection 1, "teacher" means a person who:*

(a) *Holds a current license to teach issued pursuant to chapter 391 of NRS; and*

(b) *Has been employed as a teacher for at least 3 years.*

The term does not include a person who is employed as a substitute teacher.

Sec. 10. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located. If the board of trustees of a school district receives an application to form a charter school, it shall consider the application at its next regularly scheduled meeting, but not later than 14 days after the receipt of the application, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees shall review the application to determine whether the application:

(a) *Complies with NRS 386.500 to 386.610, inclusive, and sections 3 to 6, inclusive, of this act and the regulations applicable to charter schools; and*

(b) *Is complete in accordance with the regulations of the department.*

2. *In addition to the considerations set forth in paragraphs (a) and (b) of subsection 1, the board of trustees of a school district that reviews an application to form a charter school may:*

(a) *In its review of the application pursuant to paragraph (k) of subsection 2 of NRS 386.520, consider the financial viability of the proposed charter school.*

(b) *In its determination whether to approve or deny an application, consider whether the proposed charter school will have an adverse financial effect on the school district.*

3. The department shall assist the board of trustees of a school district in the review of an application. ~~{The}~~ *Except as otherwise provided in paragraph (b) of subsection 2, the* board of trustees shall approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees shall provide written notice to the applicant of its approval or denial of the application.

~~{3.}~~ 4. If the board of trustees denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~{4.}~~ 5. If the board of trustees denies an application after it has been resubmitted pursuant to subsection ~~{3.}~~ 4, the applicant may submit a written request to the subcommittee on charter schools created pursuant to NRS 386.507, not more than 30 days after receipt of the written notice of denial, to direct the board of trustees to reconsider the application. The subcommittee shall consider requests for reconsideration in the order in which they are received. If the subcommittee receives such a request, it shall consider the request at its next regularly scheduled meeting and ensure that notice of the meeting is posted in accordance with chapter 241 of NRS. Not more than 30 days after the meeting, the subcommittee shall provide written notice of its determination to the applicant and to the board of trustees. If the subcommittee denies the request for reconsideration, the applicant may, not more than 30 days after the receipt of the written notice from the subcommittee, appeal the determination to the district court of the county in which the proposed charter school will be located.

~~{5.}~~ 6. If the subcommittee on charter schools grants a request to direct reconsideration, the written notice to the board of trustees of the school district that denied the application must include, without limitation, instructions to the board of trustees concerning the reconsideration of the application. Not more than 30 days after receipt of the written notice from the subcommittee directing the reconsideration, the board of trustees shall reconsider the application in accordance with the instructions of the subcommittee, make a final determination on the application and provide written notice of the determination to the applicant. If, upon reconsideration of the application, the board of trustees denies the application, the applicant may, not more than 30 days after the receipt of the written notice from the board of trustees, appeal the final determination to the district court of the county in which the proposed charter school will be located.

Sec. 11. NRS 386.527 is hereby amended to read as follows:

386.527 1. Except as otherwise provided in subsection 3, if the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The board of trustees shall, not later than 10 days after the approval of the application, provide written notice to the department of the approval and the date of the approval. The board of trustees that approves the application shall be deemed the sponsor of the charter school. A written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (n), inclusive, of subsection 2 of NRS 386.520. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

2. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, *and sections 3 to 6, inclusive, of this act* and any other statute or regulation applicable to charter schools, the sponsor shall amend the written charter in accordance with the proposed amendment.

3. If the board of trustees of a school district is considering an application to form a charter school and determines that the applicant is not yet eligible for the issuance of a charter pursuant to subsection 1, it may, if applicable, hold the application in abeyance and grant a conditional charter to the applicant if the applicant:

(a) Has not obtained a building, equipment or personnel for the charter school; and

(b) Submits proof satisfactory to the entity which is considering the application that acceptance of the application is necessary to obtain the building, equipment or personnel for the charter school.

The board of trustees of a school district that grants a conditional charter pursuant to this subsection shall provide written notice to the state board of its action.

4. A conditional charter expires 1 year after its issuance and is nonrenewable. The holder of a conditional charter shall not operate a charter school and is not eligible to receive any public school money for the operation of a charter school. Before the expiration of a conditional charter, the holder of the conditional charter may submit a supplemental application and request the board of trustees that granted the conditional charter to determine whether the holder is eligible for the issuance of a charter pursuant to subsection 1. *The supplemental application must be submitted within a period which allows the board of trustees to ensure that the charter school complies with the requirements of this subsection.* The board of trustees shall

consider such a request as soon as is practicable. *In its review of the request, the board of trustees shall determine whether the facility that the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided by this subsection, the board of trustees shall make such a determination 30 days before the first day of school for the:*

(a) Schools of the school district that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

whichever date the board of trustees selects. The board of trustees shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected, however, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 12. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~[shall]~~ *must* consist of at least three teachers, as defined in ~~[NRS 391.311,]~~ *subsection 5*, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. *A majority of the members of the governing body must reside in this state. If the membership of the governing body changes, the governing body must provide written notice to the sponsor of the charter school within 10 working days after such change.*

2. *Each person who desires to serve on the governing body of a charter school shall submit to the superintendent of public instruction a complete set of his fingerprints and written permission authorizing the superintendent to forward the fingerprints to the Federal Bureau of Investigation and to the central repository for Nevada records of criminal history for their reports on the criminal history of the proposed member. A person may serve on the governing body only if the reports on the criminal history from the Federal Bureau of Investigation and the central repository for Nevada records of criminal history:*

(a) Do not indicate that the person has been convicted of a felony or any offense involving moral turpitude; or

(b) Indicate that the person has been convicted of a felony or an offense involving moral turpitude, but the superintendent of public instruction determines that the conviction is unrelated to the duties of a member of the governing body.

3. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

4. *The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.*

5. *As used in this section, "teacher" means a person who:*

(a) *Holds a current license to teach issued pursuant to chapter 391 of NRS; and*

(b) *Has been employed as a teacher for at least 3 years.*

The term does not include a person who is employed as a substitute teacher.

Sec. 13. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

~~{1-}~~ (a) Comply with all laws and regulations relating to discrimination and civil rights.

~~{2-}~~ (b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

~~{3-}~~ (c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

~~{4-}~~ (d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

~~{5-}~~ (e) Comply with the provisions of chapter 241 of NRS.

~~{6-}~~ (f) Except as otherwise provided in this ~~{subsection,}~~ paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the superintendent of public instruction for a waiver from providing the days of instruction required by this ~~{subsection,}~~ paragraph. The superintendent of public instruction may grant such a request if the governing body demonstrates to the satisfaction of the superintendent that:

~~{(a)}~~ (1) Extenuating circumstances exist to justify the waiver; and

~~{(b)}~~ (2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

~~{7-}~~ (g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

~~{8-}~~ (h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.

~~{9-}~~ (i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of instruction that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This ~~{subsection}~~ paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

~~[10.]~~ (j) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

~~[11.]~~ (k) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

~~[12.]~~ (l) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and Colleges.

~~[13.]~~ (m) Adopt a final budget in accordance with the regulations adopted by the department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(n) If the charter school provides a program of distance education pursuant to sections 25 to 33, inclusive, of this act, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction, including, without limitation, instruction provided through a program of distance education, to children who are exempt from compulsory attendance and receiving equivalent instruction authorized by the state board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in section 26 of this act.

Sec. 14. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or the University and Community College System of Nevada for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation and the provision of health services for the pupils who are enrolled in the charter school.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. ~~[Upon]~~ *Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school*

is located shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. *The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to section 31 of this act.*

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or an association for interscholastic activities. If the board of trustees so revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

Sec. 15. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the state distributive school account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

2. The governing body of a charter school may negotiate with the board of trustees of the school district and the state board for additional money to pay for services which the governing body wishes to offer.

3. *The sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship during 1 school year. Upon receipt of such a request, the governing body shall pay the reimbursement to the sponsor of the charter school. If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. The amount of reimbursement that a charter school may be required to pay pursuant to this subsection must not exceed:*

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

4. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection ~~[2]~~ 4 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

~~[4]~~ 5. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools.

~~[5]~~ 6. If a charter school uses money received from this state to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 16. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school

shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those grades.

(b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science; and

(4) Social studies, which includes only the subjects of history, geography, economics and government.

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

It is unlawful for the governing body of a charter school to employ any teacher pursuant to this subsection who is not legally qualified to teach all the grades that the teacher is engaged to teach.

3. A charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsection 2 if the person has:

(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

4. A charter school may employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A master's degree in school administration, public administration or business administration; or

(b) If the person has at least 5 years of experience in administration, a baccalaureate degree.

5. A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this state or another state.

6. *On or before November 15 of each year, a charter school shall submit to the department, in a form prescribed by the superintendent of public instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:*

- (a) The amount of salary of the employee; and*
- (b) The designated assignment, as that term is defined by the department, of the employee.*

Sec. 17. NRS 386.595 is hereby amended to read as follows:

386.595 1. Except as otherwise provided in this subsection and subsections 2 , 3 and ~~{3,}~~ 4, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school. ~~{If a written charter is renewed, the employees of the charter school may, at the time of renewal, apply for recognition as a bargaining unit pursuant to NRS 288.160.}~~ *An employee of a charter school is not a member of the same bargaining unit as an employee of the school district and is not entitled to representation by the employee organization that is a party to the collective bargaining agreement of the school district. However, during the time that the collective bargaining agreement of the school district remains applicable to the employees of the charter school, the employee organization that is a party to the agreement may, but is not required to, represent an employee of the charter school in a grievance proceeding or other dispute arising out of the agreement.*

2. A charter school is exempt from the specific provisions of the collective bargaining agreement *of the school district* that controls the:

(a) Periods of preparation time for teachers, provided that the charter school allows at least the same amount of time for preparation as the school district;

(b) Times of day that a teacher may work;

(c) Number of hours that a teacher may work in 1 day;

(d) Number of hours and days that a teacher may work in 1 week; and

(e) Number of hours and days that a teacher may work in 1 year.

If a teacher works more than the number of hours or days prescribed in the collective bargaining agreement, the teacher must be compensated for the additional hours or days in an amount calculated by prorating the salary for the teacher that is set forth in the collective bargaining agreement.

3. A teacher or a governing body of a charter school may request that the ~~{board of trustees of the school district and other persons}~~ *parties* who entered into the collective bargaining agreement *of the school district* grant a waiver from specific provisions of the ~~{collective bargaining}~~ agreement for the teacher or governing body.

4. *The collective bargaining agreement of a school district in which a charter school is located ceases to apply to the employees in any bargaining unit recognized by the governing body of the charter school pursuant to chapter 288 of NRS if, pursuant to that chapter, an employee organization is*

recognized as the exclusive bargaining agent for those employees and a new collective bargaining agreement is entered into between the governing body and the employee organization. The employee organization that is a party to the collective bargaining agreement of the school district may seek recognition on the same basis as any other employee organization.

5. All employees of a charter school shall be deemed public employees.

~~{5-}~~ 6. The governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless the applicable collective bargaining agreement contains separate provisions relating to the discipline of licensed employees of a school.

~~{6-}~~ 7. If the written charter of a charter school is revoked, the employees of the charter school must be reassigned to employment within the school district in accordance with the *applicable* collective bargaining agreement.

~~{7-}~~ *A school district is not required to reassign an employee of a charter school pursuant to this subsection if the employee:*

(a) Was not granted a leave of absence by the school district to teach at the charter school pursuant to subsection 8; or

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 8.

8. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~{8-}~~ 9. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an

employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~{9-}~~ 10. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

~~{10-}~~ 11. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

~~{11-}~~ 12. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the public employees' retirement system.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

~~{12-}~~ 13. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 18. NRS 386.600 is hereby amended to read as follows:

386.600 1. On or before November 15 of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the superintendent of public instruction, *the governor* and the director of the legislative counsel bureau for transmission to the majority leader of the senate and the speaker of the assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each licensed employee and nonlicensed teacher employed by the charter school on October 1 of that year:

(1) The amount of salary of the employee; and

(2) The designated assignment, as that term is defined by the department, of the employee.

(c) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(d) The count of pupils who are enrolled in a charter school in:

(1) Kindergarten;

(2) Grades 1 to 12, inclusive; and

(3) Special education pursuant to NRS 388.440 to 388.520, inclusive.

(e) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(f) The proposed expenditures of the charter school for the current fiscal year.

(g) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the superintendent of public instruction upon completion of negotiations.

(h) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(i) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(j) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay, and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the *governor*, the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the state distributive school account for the preceding year.

Sec. 19. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district ,

including, without limitation, a program of distance education provided by the school district, or pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part time in a program of distance education if an agreement is filed with the superintendent of public instruction pursuant to section 30 or 31 of this act, as applicable.

(e) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

~~((e))~~ (f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560.

~~((f))~~ (g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

~~((g))~~ (h) Part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs ~~((e)) and ((f))~~ (d), (f) and (g).

2. The state board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the state board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this state which is consistent with:

- (a) The maintenance of an acceptable standard of instruction;
- (b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and
- (c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the

applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

4. ~~[A] The provisions of subsection 3 do not apply to a charter school [is not required to comply with the pupil teacher ratio prescribed by the state board pursuant to subsection 3.] or a program of distance education provided pursuant to sections 25 to 33, inclusive, of this act.~~

Sec. 20. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(3) *The count of pupils not included under subparagraph (1) or (2) who are enrolled full time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.*

(4) *The count of pupils who reside in the county and are enrolled:*

(I) *In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school if an agreement is filed with the superintendent of public instruction pursuant to section 30 of this act on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).*

(II) *In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school if an agreement is filed with the superintendent of public instruction pursuant to section 31 of this act on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in*

proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1) , ~~for~~ (2) , (3) or (4) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

~~[(4)]~~ (6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

~~[(5)]~~ (7) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

~~[(6)]~~ (8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger number must be used for purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department.

Sec. 21. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in *this section and NRS 387.528*:

1. On or before August 1, November 1, February 1 and May 1 of each year, the superintendent of public instruction shall ~~{, except as otherwise provided in subsections 2 and 3,}~~ apportion the state distributive school account in the state general fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school~~{,}~~ *and all the funds attributable to pupils who reside in the county but are enrolled full time or part time in a program of distance education provided by another school district or a charter school.* No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. *If a school district provides a program of distance education:*

(a) No apportionment may be made to the school district for pupils who reside in another county and are enrolled full time in the program of distance education unless an agreement is filed pursuant to section 30 of this act; and

(b) The apportionment to the school district pursuant to this subsection for all pupils who are enrolled full time in the program of distance education must be reduced by the amount of money, as determined by the department, that would have otherwise been allocated for the transportation of each pupil enrolled in the program of distance education.

2. The apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides ~~{,}~~ *minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If a charter school provides a program of distance education, the apportionment to the charter school pursuant to this subsection for pupils who are enrolled full time in the program of distance education must be reduced by the amount of money, as determined by the department, that would have otherwise been allocated for the transportation of each pupil enrolled in the program of distance education.* If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

~~{2,}~~ 3. *In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part*

time in the program if an agreement is filed for that pupil pursuant to section 30 or 31 of this act, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

4. The governing body of a charter school may submit a written request to the superintendent of public instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the superintendent of public instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

~~3.]~~ 5. If the state controller finds that such an action is needed to maintain the balance in the state general fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the state controller shall submit a report to the department of administration and the fiscal analysis division of the legislative counsel bureau documenting reasons for the action.

Sec. 22. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. The apportionments to a school district may be adjusted during a fiscal year by the department of education, upon approval by the *state* board of examiners and the interim finance committee, if the department of taxation and the county assessor in the county in which the school district is located certify to the department of education that the school district will not receive the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:

(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and

(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.

If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the *state* distributive school account in the state general fund an amount equal to the

tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the department, in a format prescribed by the department, the count of pupils calculated pursuant to subparagraph (6) (8) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils submitted to the department must be included in the final adjustment computed pursuant to subsection 4.

4. A final adjustment for each school district and charter school must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children in a school district or a charter school located within the school district described in paragraphs (a), (b), (c) and ~~[(d)]~~ (e) of subsection 1 of NRS 387.123 is greater on the last day of any school month of the school district after the second school month of the school district and the increase in enrollment shows at least:

(a) A 3-percent gain, basic support as computed from first month enrollment for the school district or charter school must be increased by 2 percent.

(b) A 6-percent gain, basic support as computed from first month enrollment for the school district or charter school must be increased by an additional 2 percent.

5. If the final computation of apportionment for any school district or charter school exceeds the actual amount paid to the school district or charter school during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district or charter school is less than the actual amount paid to the school district or charter school during the school year, the difference must be repaid to the state distributive school account in the state general fund by the school district or charter school before September 25.

Sec. 23. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all school money due each county school district must be paid over by the state treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to

the provisions of NRS 354.603, all school money due that school district must be paid over by the state treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this Title and regulations adopted pursuant thereto.

4. Except as otherwise provided in this subsection, all school money due each charter school must be paid over by the state treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124. If the superintendent of public instruction has approved, pursuant to subsection ~~{2}~~ 4 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the state treasurer to the governing body of the charter school on July 1, October 1, January 1 or April 1, as applicable.

Sec. 24. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 33, inclusive, of this act.

Sec. 25. *As used in sections 25 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 26 and 27 of this act have the meanings ascribed to them in those sections.*

Sec. 26. *“Distance education” means instruction which is delivered by means of video, computer, television, correspondence or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.*

Sec. 27. *“Program of distance education” means a program which uses distance education as its primary mechanism for delivery and is comprised of one or more courses of study that is designed for pupils who:*

1. *Are participating in a program for pupils who are at risk of dropping out of high school pursuant to NRS 388.537.*

2. *Are participating in a program of independent study pursuant to NRS 389.155.*

3. *Are enrolled in a public school that does not offer advanced courses.*

4. *Have a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050.*

5. *Would otherwise be excused from compulsory attendance pursuant to NRS 392.080.*

6. *Are otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675.*

Sec. 28. 1. *The board of trustees of a school district or the governing body of a charter school may submit an application to the department to provide a program of distance education.*

2. *An application to provide a program of distance education must include:*

(a) *All the information prescribed by the state board by regulation.*

(b) *Proof satisfactory to the department that the program satisfies all applicable statutes and regulations.*

3. *The department may approve an application submitted pursuant to this section if the application satisfies the requirements of sections 25 to 33, inclusive, of this act and all other applicable statutes and regulations. The department shall not unreasonably withhold its approval of an application.*

Sec. 29. 1. *A pupil may enroll in a program of distance education if he:*

(a) *Is participating in a program for pupils at risk of dropping out of high school pursuant to NRS 388.537;*

(b) *Is participating in a program of independent study pursuant to NRS 389.155;*

(c) *Is enrolled in a public school that does not offer certain advanced courses which the pupil desires to attend;*

(d) *Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;*

(e) *Would otherwise be excused from compulsory attendance pursuant to NRS 392.080; or*

(f) *Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675.*

2. *In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the state board pursuant to section 33 of this act.*

3. *A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the state board pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.*

4. *If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to 392.271, inclusive.*

5. *If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of*

distance education only for the purpose of taking those advanced courses that are not offered at the public school he otherwise attends.

Sec. 30. 1. *Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.*

2. *If the board of trustees of a school district grants permission pursuant to subsection 1, the board of trustees shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:*

(a) *Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the superintendent of public instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;*

(b) *If the pupil plans to enroll part time in the program of distance education, contain a statement prepared by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;*

(c) *Be signed by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education; and*

(d) *Include any other information required by the state board by regulation.*

3. *On or before September 1 of each year, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled full time or part time in a program of distance education provided by a school district other than the school district in which the pupil resides. On or before September 1 of each year, a written agreement must be filed*

with the superintendent of public instruction for each pupil who is enrolled in a public school of the school district and who is enrolled part time in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the superintendent of public instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

Sec. 31. 1. If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter school in which he is enrolled provides the program of distance education.

2. Before a pupil who is enrolled in a charter school may enroll part time in a program of distance education that is provided by a school district or another charter school, the pupil must obtain the written permission of the governing body of the charter school in which the pupil is enrolled.

3. If the governing body of a charter school grants permission pursuant to subsection 2, the governing body shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled indicating that the governing body understands that the superintendent of public instruction will make appropriate adjustments in the apportionments to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the governing body of the charter in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education; and

(d) Include any other information required by the state board by regulation.

4. On or before September 1 of each year, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled in a charter school and who is enrolled part time in a program of distance education provided by a school district or another charter school. If an agreement is not filed for such a pupil, the superintendent of public

instruction shall not apportion money for that pupil to the governing body of the charter school in which the pupil is enrolled, or the board of trustees or governing body that provides the program of distance education.

Sec. 32. 1. If a pupil is enrolled full time in a program of distance education provided by the board of trustees of a school district, the board of trustees of the school district that provides the program shall declare for each such pupil the public school within that school district to which the pupil is affiliated. The board of trustees may declare that all the pupils enrolled in the program of distance education are affiliated with one public school within the school district, or it may declare individual public schools for the pupils enrolled in the program. Upon the declared affiliation, the pupil shall be deemed enrolled in that public school for purposes of all the applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

2. A pupil who is enrolled full time in a program of distance education provided by a charter school shall be deemed enrolled in the charter school. All the applicable requirements, including, without limitation, statutes, regulations, rules and policies of that charter school apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

3. If a pupil is enrolled part time in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the pupil is otherwise enrolled apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

Sec. 33. 1. The state board shall adopt regulations that prescribe:

(a) *The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to provide a program of distance education and the contents of the application;*

(b) *The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with section 29 of this act;*

(c) *A method for reporting to the department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;*

(d) *The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the achievement and proficiency examinations required pursuant to NRS 389.015 and 389.550; and*

(e) *A written description of the process pursuant to which the department may revoke its approval for the operation of a program of distance education.*

2. *The state board may adopt regulations as it determines are necessary to carry out the provisions of sections 25 to 33, inclusive, of this act.*

Sec. 34. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise permitted pursuant to this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. The superintendent of public instruction may, upon application by a board of trustees, authorize a reduction of not more than 15 school days in a particular district to establish or maintain a 12-month school program or a program involving alternative scheduling, if the board of trustees demonstrates that the proposed schedule for the program provides for a greater number of minutes of instruction than would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the superintendent of public instruction must find that the proposed schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding, or to establish and maintain a program of alternative schooling [—], *including, without limitation, a program of distance education provided by the board of trustees pursuant to sections 25 to 33, inclusive, of this act.*

3. The superintendent of public instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner.

4. Each school district shall schedule at least 3 contingent days of school in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district.

5. If more than 3 days of free school are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the superintendent of public instruction, upon application by the school district, may permit the additional days lost to be counted as school days in session. The application must be submitted in the manner prescribed by the superintendent of public instruction.

6. The state board ~~[of education]~~ shall adopt regulations providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.

Sec. 35. NRS 388.537 is hereby amended to read as follows:

388.537 1. The board of trustees of a school district may, subject to the approval of the state board, operate an alternative program for the education of pupils at risk of dropping out of high school, including pupils who:

(a) Because of extenuating circumstances, such as their being pregnant, parents, chronically ill or self-supporting, are not able to attend the classes of instruction regularly provided in high school;

(b) Are deficient in the amount of academic credit necessary to graduate with pupils their same age;

(c) Are chronically absent from high school; or

(d) Require instruction on a more personal basis than that regularly provided in high school.

2. An alternative program may include:

(a) A shorter school day, and an opportunity for pupils to attend a longer school day, than that regularly provided in high school.

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and occupational education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

(1) The requirements for a regular high school diploma; or

(2) The requirements for a high school diploma for adults.

(f) The provision of child care for the children of pupils.

(g) The transportation of pupils to and from classes of instruction.

(h) The temporary placement of pupils for independent study, if there are extenuating circumstances which prevent those pupils from attending the alternative program on a daily basis.

3. *The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to sections 25 to 33, inclusive, of this act.*

Sec. 36. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in subsections 2, 3 and 6, after the last day of the first month of the school year, the ratio in each school

district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1 in classes where core curriculum is taught. In determining this ratio, all licensed educational personnel who teach kindergarten or grade 1, 2 or 3 must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. The state board may grant to a school district a variance from the limitation on the number of pupils per class set forth in subsection 1 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

4. The state board shall, on or before February 1 of each odd-numbered year, report to the legislature on:

(a) Each variance granted by it during the preceding biennium, including the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in kindergarten and grades 1, 2 and 3.

5. The department shall, on or before November 15 of each year, report to the chief of the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

during the current school year in kindergarten and grades 1, 2 and 3 for each school district.

6. The provisions of this section do not apply to a charter school ~~or~~ *or to a program of distance education provided pursuant to sections 25 to 33, inclusive, of this act.*

Sec. 37. NRS 389.017 is hereby amended to read as follows:

389.017 1. The state board shall prescribe regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the superintendent of public instruction and the department, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th, 10th and 11th grades to public school pupils of the district and charter schools. The state board shall not include in the regulations any provision

which would violate the confidentiality of the test scores of any individual pupil.

2. The results of examinations must be reported for each school, including, without limitation, each charter school, school district and this state, as follows:

(a) The average score, as defined by the department, of pupils who took the examinations under regular testing conditions; and

(b) The average score, as defined by the department, of pupils who took the examinations with modifications or accommodations approved by the private entity that created the examination or, if the department created the examination, the department, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. The department shall adopt regulations prescribing the requirements for reporting the scores of pupils who:

(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the department created the examination, by the department;

(b) Are enrolled in special schools for children with disabilities;

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school ~~§ 33~~, *including, without limitation, a program of distance education that is provided to pupils who are at risk of dropping out of high school pursuant to sections 25 to 33, inclusive, of this act; or*

(d) Are detained in a:

(1) Youth training center;

(2) Youth center;

(3) Juvenile forestry camp;

(4) Detention home;

(5) Youth camp;

(6) Juvenile correctional institution; or

(7) Correctional institution.

The scores reported pursuant to this subsection must not be included in the average scores reported pursuant to subsection 2.

4. Not later than 10 days after the department receives the results of the achievement and proficiency examinations, the department shall transmit a copy of the results of the examinations administered pursuant to NRS 389.015 to the legislative bureau of educational accountability and program evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

5. On or before November 1 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public schools in the school district or charter school:

(a) The examination administered;

(b) The grade level or levels of pupils to whom the examination was administered;

(c) The costs incurred by the school district or charter school in administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December 1 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

6. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or

(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

7. In addition to the information required by subsection 5, the superintendent of public instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

8. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.

Sec. 38. NRS 389.560 is hereby amended to read as follows:

389.560 1. The state board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school to submit to the superintendent of public instruction, the department and the council, in the form and manner prescribed by the superintendent, the results of the examinations administered pursuant to NRS 389.550. The state board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.

2. The results of the examinations must be reported for each school, including, without limitation, each charter school, school district and this state, as follows:

(a) The percentage of pupils who have demonstrated proficiency, as defined by the department, and took the examinations under regular testing conditions; and

(b) The percentage of pupils who have demonstrated proficiency, as defined by the department, and took the examinations with modifications or accommodations approved by the private entity that created the examination or, if the department created the examination, the department, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. The department shall adopt regulations prescribing the requirements for reporting the results of pupils who:

(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the department created the examination, by the department;

(b) Are enrolled in special schools for children with disabilities;

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school ~~§ 31~~, *including, without limitation, a program of distance education that is provided to pupils who are at risk of dropping out of high school pursuant to sections 25 to 33, inclusive, of this act*; or

(d) Are detained in a:

(1) Youth training center;

(2) Youth center;

(3) Juvenile forestry camp;

(4) Detention home;

(5) Youth camp;

(6) Juvenile correctional institution; or

(7) Correctional institution.

The results reported pursuant to this subsection must not be included in the percentage of pupils reported pursuant to subsection 2.

4. Not later than 10 days after the department receives the results of the examinations, the department shall transmit a copy of the results to the legislative bureau of educational accountability and program evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

5. On or before November 1 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public schools in the school district or charter school:

(a) The examination administered;

(b) The grade level or levels of pupils to whom the examination was administered;

(c) The costs incurred by the school district or charter school in administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December 1 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

6. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations, except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or

(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

7. In addition to the information required by subsection 5, the superintendent of public instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

8. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.

Sec. 39. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless:

(a) He is legally employed by the board of trustees of the school district *or the governing body of the charter school* in which he is teaching or performing other educational functions.

(b) He has a license authorizing him to teach or perform other educational functions at the level and in the field for which he is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school *for a whom a license is not required* pursuant to the provisions of NRS 386.590. ~~[and 386.595.]~~

Sec. 40. NRS 391.31965 is hereby amended to read as follows:

391.31965 Any postprobationary employee of a school district of Nevada who is employed by another school district *or charter school* must be allowed to continue as a postprobationary employee and must not be required to serve the probationary period required by subsection 1 of NRS 391.3197.

Sec. 41. NRS 392.010 is hereby amended to read as follows:

392.010 Except as to the attendance of a pupil pursuant to NRS 392.015 *or sections 25 to 33, inclusive, of this act*, or a pupil who is ineligible for attendance pursuant to NRS 392.4675 and except as otherwise provided in NRS 392.264 and 392.268:

1. The board of trustees of any school district may, with the approval of the superintendent of public instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this state or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this state or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the superintendent of public instruction, the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school shall enter into an agreement providing for the payment of such tuition as may be agreed upon, but transportation costs must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the state; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, as provided by the agreement.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.

Sec. 42. NRS 392.035 is hereby amended to read as follows:

392.035 1. In determining the mobility of pupils in a school, for any purpose, the department shall divide the sum of the following numbers by the cumulative enrollment in the school:

(a) The number of late entries or transfers into a school from another school, school district or state, after the beginning of the school year;

(b) The number of pupils reentering the school after having withdrawn from the same school; and

(c) The number of pupils who withdraw for any reason or who are dropped for nonattendance.

2. To determine the cumulative enrollment of the school pursuant to subsection 1, the department shall add the total number of pupils enrolled in programs of instruction in the school who are included in the count for apportionment purposes pursuant to paragraphs (a) ~~[(b), (c), (e) and (f)]~~ to (d), inclusive, (f) and (g) of subsection 1 of NRS 387.123 and the number of pupils included in paragraphs (a) and (b) of subsection 1.

3. The department shall develop and distribute to the county school districts a form upon which the information necessary to the formula may be submitted by the individual schools.

Sec. 43. NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance required by the provisions of NRS 392.040 must be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the state board.

2. The board of trustees of each school district shall provide programs of special education and related services for children who are exempt from compulsory attendance pursuant to subsection 1 and receive instruction at home. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services ~~[-]~~ and this subsection for programs of distance education, upon the request of a parent or legal guardian of a child who is enrolled in a private school or who receives instruction at home, the board of trustees of the school district in which the child resides shall authorize the child to participate in a class that is not available to the child at the private school or home school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. *The board of trustees of a school district shall not authorize such a child to participate in a class or activity through a program of distance education provided by the school district pursuant to sections 25 to 33, inclusive, of this act.*

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

5. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

6. The department may adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

7. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401(22).

Sec. 44. NRS 288.060 is hereby amended to read as follows:

288.060 "Local government employer" means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, unincorporated towns, *charter schools*, school districts, hospital districts, irrigation districts and other special districts.

Sec. 45. Section 60 of chapter 606, Statutes of Nevada 1999, at page 3324, is hereby amended to read as follows:

Sec. 60. 1. This section and sections 56 and 57 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, 13 to 16, inclusive, 18 to 24, inclusive, 26 to 45, inclusive, 47 to 54, inclusive, and 58 and 59 of this act become effective on July 1, 1999.

3. Sections 17, 25 and 46 of this act become effective at 12:01 a.m. on July 1, 1999.

4. Section 12.5 of this act becomes effective on July 1, ~~[2001-~~

~~5. Section 55 of this act becomes effective on July 1,] 2003.~~

Sec. 46. If the membership of the governing body of a charter school that is in operation before July 1, 2001, does not comply with the amendatory provisions of section 12 of this act, the charter school shall make appropriate changes to the membership of the governing body and otherwise take appropriate action to ensure that the governing body of the charter school complies with the amendatory provisions of section 12 of this act on or before September 1, 2001.

Sec. 47. The amendatory provisions of section 17 of this act do not affect any right to representation that an employee of a charter school acquired before July 1, 2001, by virtue of his membership in an employee organization.

Sec. 48. On or before April 1, 2002, the state board of education shall adopt regulations required by section 33 of this act.

Sec. 49. The department of education shall accept applications to provide programs of distance education in accordance with section 28 of this act for programs that will commence operation with the 2002-2003 school year or any school year thereafter. If any deadlines contained within the regulations adopted by the state board of education pursuant to section 33 of this act preclude a school district or charter school from submitting an application for the 2002-2003 school year, the department of education shall grant a shorter period for the board of trustees or governing body to submit an application for the 2002-2003 school year notwithstanding the provisions of those regulations.

Sec. 50. If a school district or charter school provides, before July 1, 2001, a program that includes distance education in accordance with all applicable statutes and regulations, the school district or charter school may continue to offer that program for the 2001-2002 school year if the school district or charter school provides written notice to the state board of education on or before July 1, 2001. After the 2001-2002 school year, the school district or charter school must comply with sections 25 to 33, inclusive, of this act, if it desires to continue the program. The provisions of this section apply to a charter school regardless of the terms of the written charter of the charter school that authorize the charter school to provide a program that includes distance education.

Sec. 51. The amendatory provisions of this act do not apply to offenses committed before July 1, 2001.

Sec. 52. Section 55 of chapter 606, Statutes of Nevada 1999, at page 3322, is hereby repealed.

Sec. 53. 1. This section and sections 1 to 12, inclusive, 15 to 18, inclusive, 33, 39, 40 and 44 to 52, inclusive, of this act become effective on July 1, 2001.

2. Sections 13, 14, 19 to 32, inclusive, 34 to 38, inclusive, 41, 42 and 43 of this act become effective on July 1, 2002.”

Amend the bill as a whole by adding the text of the repealed section, following sec. 42, to read as follows:

“

TEXT OF REPEALED SECTION

Section 55 of chapter 606, Statutes of Nevada 1999:

Sec. 55. NRS 386.510 is hereby repealed.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; prohibiting an existing public school, private school or home school from converting to a charter school; prohibiting a charter school from contracting with or being supported by a private corporation or other entity that operates for profit; revising provisions governing the formation, operation and personnel of charter schools; making certain provisions related to collective bargaining applicable to charter schools; authorizing boards of trustees of school districts and governing bodies of charter schools to provide programs of distance education for certain pupils; requiring the state board of education to adopt regulations prescribing the requirements for programs of distance education; revising provisions governing the apportionments of money from the state distributive school account to provide for the payment of money for pupils who are enrolled in programs of distance education; repealing the prospective removal of the limit on the number of charter schools that may be formed; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing charter schools and authorizes programs of distance education. (BDR 34-859)”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblymen Williams, Von Tobel, Bache, Beers, Angle and Cegavske.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1038.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 387.122 is hereby amended to read as follows:

387.122 1. For making the apportionments of the state distributive school account in the state general fund required by the provisions of this Title, the basic support guarantee per pupil for each school district and the basic support guarantee for each special education program unit maintained and operated during at least 9 months of a school year are established by law for each school year.

2. *The basic support guarantee established pursuant to subsection 1 for each special education program unit for the education of pupils with disabilities must not be less than an amount equal to 60 percent of the average annual salary plus benefits for the year in which the basic support guarantee is established of licensed teachers who teach special education in this state.”.*

Amend the bill as a whole by deleting sections 3 through 16 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. Notwithstanding the amendatory provisions of section 1 of this act to the contrary, the basic support guarantee established by the legislature for each special education program unit for the education of pupils with disabilities for:

1. The fiscal year 2003-2004, must not be less than an amount equal to 58 percent of the average annual salary plus benefits for that year of licensed teachers who teach special education in this state.

2. The fiscal year 2004-2005, must not be less than an amount equal to 59 percent of the average annual salary plus benefits for that year of licensed teachers who teach special education in this state.

Sec. 4. 1. This section and sections 1 and 3 of this act become effective on January 1, 2003.

2. Section 2 of this act becomes effective on July 1, 2003.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; revising provisions governing the establishment of the basic support guarantee for special education program units for the education of pupils with disabilities; revising provisions governing the purchase of retirement credit for certain teachers; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing educational personnel and basic support guarantee for special education. (BDR 34-1084)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of the history on Senate Bills upon introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 669—AN ACT relating to liquor; authorizing a transfer of liquor between certain affiliated retailers; providing for the enforcement of

the provisions of chapter 369 of NRS; making an appropriation; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 109.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 137.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 139.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 170.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 174.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 277.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 319.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 431.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 573.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 574.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Senate Bill No. 137 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 137 be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assemblyman Dini moved that the Assembly do not recede from its action on Senate Bill No. 418, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Dini.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Dini and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 418.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 443.

The following Senate amendment was read:

Amendment No. 822.

Amend sec. 2, page 1, line 4, by deleting "*owned and*".

Amend sec. 3, page 2, line 8, by deleting "*I.*".

Amend sec. 3, page 2, by deleting lines 11 through 16 and inserting:

"1. A ballot question.

2. A candidate."

Amend sec. 4, page 2, line 39, after "may" by inserting: "request that the county clerk".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. The amendatory provisions of this act do not apply to any building leased pursuant to an agreement that would prohibit the lessee from complying with the provisions of section 1 of this act until the agreement expires or is renewed.”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 443.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 444.

The following Senate amendment was read:

Amendment No. 995.

Amend section 1, pages 1 and 2, by deleting lines 16 and 17 on page 1 and line 1 on page 2 and inserting:

“~~5.1~~ (e) Failure of the applicant to obtain any written approval required by NRS 439A.100 or an ordinance adopted pursuant to section 1 of *Senate Bill No. 328 of this [act] session* or as provided in any regulation adopted pursuant to this chapter,”.

Amend section 1, page 2, between lines 12 and 13, by inserting:

“3. *The health division shall maintain a log of any complaints that it receives relating to activities for which the health division may revoke the license to operate a facility for the dependent pursuant to subsection 2.*

4. *On or before February 1 of each odd-numbered year, the health division shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:*

(a) *Any complaints included in the log maintained by the health division pursuant to subsection 3; and*

(b) *Any disciplinary actions taken by the health division pursuant to subsection 2.”.*

Amend sec. 2, page 2, line 17, by deleting: “bureau, the bureau” and inserting: “board, the health division”.

Amend sec. 2, page 2, line 22, by deleting “bureau” and inserting “health division”.

Amend sec. 2, page 2, line 34, by deleting “bureau” and inserting “health division”.

Amend sec. 2, page 2, line 42, by deleting “bureau” and inserting “health division”.

Amend sec. 2, page 2, between lines 43 and 44, by inserting:

“5. *The health division shall maintain a log of any complaints that it receives relating to activities for which the health division may revoke the certification of a halfway house for alcohol and drug abusers pursuant to subsection 2.*

6. *On or before February 1 of each odd-numbered year, the health division shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:*

(a) Any complaints included in the log maintained by the health division pursuant to subsection 5; and

(b) Any disciplinary actions taken by the health division pursuant to subsection 2.”.

Amend sec. 3, page 3, between lines 17 and 18, by inserting:

“(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.”.

Amend sec. 5, page 4, line 34, after “(m)” by inserting: *“Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:*

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n)”.

Amend sec. 6, page 5, between lines 20 and 21, by inserting:

“3. The bureau shall maintain a log of any complaints that it receives relating to activities for which the bureau may revoke the license to operate a child care facility pursuant to subsection 2.

4. On or before February 1 of each odd-numbered year, the bureau shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the bureau pursuant to subsection 3; and

(b) Any disciplinary actions taken by the bureau pursuant to subsection 2.”.

Amend sec. 7, page 6, by deleting lines 16 through 23 and inserting: *“any person who:*

(a) Holds a permit to engage in property management issued pursuant to NRS 645.6052; and

(b) In connection with any property for which the person has obtained a written brokerage agreement to manage the property pursuant to NRS 645.6056:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person’s duties pursuant to the written brokerage agreement.

4. *The commission shall maintain a log of any complaints that it receives relating to activities for which the commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.*

5. *On or before February 1 of each odd-numbered year, the commission shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:*

(a) Any complaints included in the log maintained by the commission pursuant to subsection 4; and

(b) Any disciplinary actions taken by the commission pursuant to subsection 3.”.

Amend sec. 8, page 6, by deleting line 24 and inserting:

“Sec. 8. 1. This section and sections 2 to 7, inclusive, of this act become effective on July 1, 2001.

2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the preservation of neighborhoods; providing for the revocation of the license or certification of certain facilities for the care and treatment of persons in certain circumstances; requiring certain rental agreements to contain certain additional information; requiring that the responsible person whose telephone number a landlord is required to provide to a tenant for emergencies must reside in the same county in which the premises are located; authorizing the real estate commission to discipline certain licensees in certain circumstances; requiring certain governmental agencies to maintain a log of certain complaints and to submit certain reports to the director of the legislative counsel bureau; and providing other matters properly relating thereto.”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 444.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 556.

The following Senate amendment was read:

Amendment No. 768.

Amend the bill as a whole by renumbering sections 1 through 6 as sections 2 through 7 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 353.057 is hereby amended to read as follows:

353.057 1. The state board of examiners may authorize ~~the establishment of~~ its clerk, under such circumstances as it deems appropriate, to authorize a state agency to establish a petty cash account ~~not to exceed \$250 by any state agency~~ of not more than \$250 out of the agency’s budgeted resources.

2. If a petty cash account is authorized for any state agency ~~[; the state board of examiners]~~ pursuant to this section, the clerk shall:

- (a) Define the purposes for which the petty cash account may be used; and
- (b) Provide that replenishment claims must be paid from the agency's budgeted resources and processed as other claims against the state are paid."

Amend the bill as a whole by deleting sec. 7.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "to authorize its clerk to take certain actions on its behalf; requiring the clerk to make periodic reports of his determinations regarding certain of those actions;"

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 768 to Assembly Bill No. 556.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1004.

Amend the bill as a whole by renumbering sec. 13 as sec. 14 and adding a new section designated sec. 13, following sec. 12, to read as follows:

"Sec. 13. Section 1 of Assembly Bill No. 128 of this session is hereby amended to read as follows:

Section 1. NRS 277.180 is hereby amended to read as follows:

277.180 1. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform. Such a contract must:

(a) Be ratified by appropriate official action of the governing body of each party to the contract as a condition precedent to its entry into force ; ~~;~~

(b) Set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties ~~;~~ ; and

(c) *If an agency of this state is a party to the contract, be approved by the attorney general as to form and compliance with law.*

If it is reasonably foreseeable that a contracting party will be required to expend \$2,000 or more to carry out the contract, the contract must be in writing.

2. The authorized purposes of agreements made pursuant to subsection 1 include, but are not limited to:

(a) The joint use of hospitals, road construction and repair equipment, and such other facilities or services as may and can be reasonably used for the promotion and protection of the health and welfare of the inhabitants of this state.

(b) The joint use of county and city personnel, equipment and facilities, including sewer systems, drainage systems, street lighting systems, fire alarm systems, sewage disposal plants, playgrounds, parks and recreational facilities, and public buildings constructed by or under the supervision of the

board of county commissioners or the city council of the county and city concerned, upon such terms and agreements, and within such areas within the county as may be determined, for the promotion and protection of health, comfort, safety, life, welfare and property of the inhabitants of the counties and cities.

(c) The joint employment of clerks, stenographers and other employees in the offices of the city and county auditor, city and county assessor, city and county treasurer, or any other joint city and county office existing or hereafter established in the several counties, upon such terms and conditions as may be determined for the equitable apportionment of the expenses of the joint city and county office.

(d) The joint and cooperative use of fire-fighting and fire-protection equipment for the protection of property and the prevention and suppression of fire.

(e) The joint use of county and city personnel, equipment and facilities, upon such terms and conditions, and within such areas within the county as may be determined, for the promotion and protection of the health of the inhabitants of the county and city through the regulation, control and prohibition of the excessive emission of dense smoke and air pollution.

(f) The joint and cooperative use of law enforcement agencies.

(g) The joint use or operation of a system of public transportation.

3. Each public agency which has entered into an agreement pursuant to this section shall annually at the time of preparing its budget include an estimate of the expenses necessary to carry out such agreement, the funds for which are not made available through grant, gift or other source, and provide for such expense as other items are provided in its budget. Each such public agency may furnish property, personnel or services as necessary to carry out the agreement.”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 1004 to Assembly Bill No. 556.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 555.

The following Senate amendment was read:

Amendment No. 929.

Amend section 1, page 2, by deleting lines 29 through 31.

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 555.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 325.

The following Senate amendment was read:

Amendment No. 755.

Amend sec. 2, page 3, line 1, by deleting: “of a testator who” and inserting: “if the testator”.

Amend sec. 2, page 3, line 3, after “(b)” by inserting: “An inter vivos trust if the settlor dies on or after December 1, 2002; (c)”.

Amend sec. 2, page 3, line 5, by deleting “(c)” and inserting “(d)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 325.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 87, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Carpenter and Ocegüera as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 87.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 195.

The following Senate amendment was read:

Amendment No. 848.

Amend sec. 3, pages 1 and 2, by deleting lines 15 through 17 on page 1 and lines 1 through 18 on page 2, and inserting:

“427A.330 1. The ~~[governor]~~ legislative commission shall appoint ~~[21 persons]~~ to the Nevada silver haired legislative forum ~~[, of whom not more than 11 may be members of the same political party. The governor shall appoint from each senatorial district]~~ a number of members equal to the number of state senators . ~~[that represent the senatorial district.]~~ *The persons appointed to the forum must be the persons nominated pursuant to this section. Each member of the senate shall nominate a person who meets the requirements for appointment to the forum set forth in NRS 427A.340.*

2. Appointments to the Nevada silver haired legislative forum must be made by the ~~[governor]~~ legislative commission before December 1 of an odd-numbered year. The term of a member begins on December 1 of the odd-numbered year of appointment.

3. The members of the Nevada silver haired legislative forum from Clark County senatorial districts 2, 3, 4, 7 and 8, Washoe County senatorial districts 1 and 3, the Capital senatorial district and the Western Nevada senatorial district serve an initial term of 1 year. The ~~eight~~ members of the Nevada silver haired legislative forum from the remaining senatorial districts serve an initial term of 2 years. After the initial terms, each member serves a term of 2 years.”.

Amend sec. 4, page 2, by deleting lines 24 and 25 and inserting:

“2. Have been a registered voter in the senatorial district ~~[that he is to represent]~~ of the senator who nominated him for 3”.

Amend the bill as a whole by renumbering sections 10 through 13 as sections 12 through 15 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

“Sec. 10. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a campaign contribution for his personal use.

2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall:

(a) Return the unspent money to contributors;

(b) Use the money in his next election or for the payment of other expenses related to public office or his campaign;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive.

3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is not elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after his defeat:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

- (2) A political party;
- (3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or
- (4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);
- (c) Donate the money to any tax-exempt nonprofit entity; or
- (d) Dispose of the money in any combination of the methods provided in paragraphs (a) , (b) and (c).

4. Every candidate for a state, district, county, city or township office who is defeated at a primary or primary city election and received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after his defeat, return any money in excess of \$5,000 to the contributor.

5. Every public officer who:

- (a) Holds a state, district, county, city or township office;
 - (b) Does not run for reelection and is not a candidate for any other office;
- and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election, shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3.

6. *In addition to the methods for disposing the unspent money set forth in subsections 2, 3 and 4, a legislator may donate not more than \$500 of that money to the Nevada silver haired legislative forum created pursuant to NRS 427A.320.*

7. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~{7.}~~ 8. As used in this section, “contributions” include any interest and other income earned thereon.

Sec. 11. NRS 294A.180 is hereby amended to read as follows:

294A.180 1. Each candidate for a state, district, county, city or township office who is not elected to that office shall, not later than the 15th day of the second month after his defeat, file a report with the secretary of state stating the amount of contributions which he received for that campaign but did not spend and the disposition of those unspent contributions.

2. Each public officer who is elected to a state, district, county, city or township office shall file a report:

(a) Not later than the 15th day of the second month after his election, stating the amount of campaign contributions which he received but did not spend and the amount, if any, of those unspent contributions disposed of pursuant to ~~[subsection]~~ subsections 2 and 6 of NRS 294A.160 as of the last day of the first month after his election;

(b) Not later than January 15th of each year of his term beginning the year after he filed the report required by paragraph (a), stating the amount, if any, of those unspent contributions disposed of pursuant to NRS 294A.160 during the period from the last date covered by his last report through December 31 of the immediately preceding year and the manner in which they were disposed of; and

(c) Not later than the 15th day of the second month after he no longer holds that office, stating the amount and disposition of any remaining unspent contributions.

3. The reports required by subsections 1 and 2 must be submitted on a form designed and provided by the secretary of state and signed by the candidate or public officer under penalty of perjury.

4. A public officer filing a report pursuant to subsection 2:

(a) Shall file the report with the officer with whom he filed his declaration of candidacy or acceptance of candidacy.

(b) May file the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. A county clerk who receives from a legislative or judicial officer, other than a justice of the peace or municipal judge, a report pursuant to subsection 4 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.”

Amend sec. 12, page 4, by deleting line 10 and inserting: “legislative forum who is incumbent on the effective date of this act, expires on November 30,”.

Amend the title of the bill, fourth line, after “the forum;” by inserting: “authorizing a legislator to donate a certain amount of unspent campaign contributions to the forum;”.

Assemblywoman Koivisto moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 195.

Remarks by Assemblywoman Koivisto.

Motion carried.

Bill ordered transmitted to the Senate.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Parks and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 48.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 242.

The following Senate amendment was read:

Amendment No. 1005.

Amend section 1, page 1, line 5, by deleting “inclusive.” and inserting: “inclusive, and section 11 of Senate Bill No. 523 of this [act.] session.”.

Amend section 1, page 1, line 9, after “original” by inserting: “license, except that an operator of or instructor for a school for training drivers is not required to comply with the provisions of section 11 of Senate Bill No. 523 of this [act] session for the renewal of his”.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 242.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 643.

The following Senate amendment was read:

Amendment No. 796.

Amend sec. 2, page 3, line 8, by deleting “inclusive [;]” and inserting: “inclusive, and section 1 of Senate Bill No. 77 of this session and section 1 of Senate Bill No. 414 of this [act;] session”.

Amend sec. 3, page 3, line 35, after “inclusive,” by inserting: “and section 1 of Senate Bill No. 77 of this session and section 1 of Senate Bill No. 414 of this [act,] session,”.

Amend sec. 3, page 3, line 38, by deleting “For” and inserting: “Except as otherwise provided in section 1 of Senate Bill No. 77 of this [act,] session, for”.

Amend sec. 3, page 3, line 41, after “substitute” by inserting “of a”.

Amend sec. 3, page 3, line 42, by deleting “requested” and inserting “issued”.

Amend sec. 5, page 5, line 8, after “4.” by inserting: “An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.
5.”.

Amend sec. 5, page 5, line 22, by deleting “5.” and inserting “6.”.

Amend sec. 5, page 5, line 29, by deleting “4;” and inserting “5;”.

Amend sec. 5, page 5, line 35, by deleting “6.” and inserting “7.”.

Amend sec. 5, page 5, line 41, by deleting “7.” and inserting “8.”.

Amend sec. 5, page 5, line 42, by deleting “4” and inserting “5”.

Amend sec. 5, page 5, by deleting line 46 and inserting:

“9. A person who violates any of the provisions of subsections 5 to 8, inclusive, [of this section] is guilty of a”.

Amend sec. 9, page 6, line 18, after “8” by inserting: “of this act”.

Amend sec. 9, page 6, by deleting line 20 and inserting:

“2. Sections 1, 6 and 7 of this act become effective on October 1, 2001.

3. Sections 2 and 3 of this act become effective at 12:01 a.m. on October 1, 2001.”

Assemblywoman Chowning moved that the Assembly concur in the Senate Amendment No. 796 to Assembly Bill No. 643.

Remarks by Assemblywoman Chowning.

Motion carried by a two-thirds constitutional majority.

Amendment No. 960.

Amend the bill as a whole by renumbering sections 1 through 9 as sections 4 through 12 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *Except as otherwise provided in this subsection, the department, in cooperation with the Nevada Test Site Historical Foundation or its successor, shall design, prepare and issue license plates for the support of the preservation of the history of atomic testing in Nevada, using any colors and designs that the department deems appropriate. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.*

2. *If the department receives at least 250 applications for the issuance of license plates for the support of the preservation of the history of atomic testing in Nevada, the department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation of the history of atomic testing in Nevada if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation of the history of atomic testing in Nevada pursuant to subsections 3 and 4.*

3. *The fee for license plates for the support of the preservation of the history of atomic testing in Nevada is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.*

4. *In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the preservation of the history of atomic testing in Nevada must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be distributed pursuant to subsection 5.*

5. *The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the state general fund. The state*

treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Nevada Test Site Historical Foundation or its successor for its programs and activities in support of the preservation of the history of atomic testing in Nevada.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

Sec. 3. 1. Except as otherwise provided in this subsection, the department, in cooperation with the Outside Las Vegas Foundation or its successor, shall design, prepare and issue license plates to support preserving the federal lands surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing the quality of life of local residents, using any colors and designs that the department deems appropriate. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the department receives at least 250 applications for the issuance of license plates pursuant to this section, the department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if that person pays the fees for the personalized prestige license plates in addition to the fees prescribed pursuant to subsections 3 and 4 for the license plates issued pursuant to this section.

3. The fee for license plates issued pursuant to this section is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates pursuant to this section must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20 to be distributed pursuant to subsection 5.

5. The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the state general fund. The state treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section to the Outside Las Vegas Foundation or its successor for its programs and activities in support of preserving the federal lands

surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing the quality of life of local residents.

6. *If, during a registration year, the holder of license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:*

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.”.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

“Sec. 4. 1. *Except as otherwise provided in this subsection, the department”.*

Amend sec. 2, page 3, line 9, by deleting: “*session and section 1*” and inserting: “*session and sections 2, 3 and 4*”.

Amend sec. 3, page 3, line 38, by deleting “*section 1*” and inserting: “*sections 2, 3 and 4*”.

Amend sec. 6, page 6, by deleting line 23 and inserting:
“pursuant to:

1. Section 2 of this act;
2. Section 3 of this act; and
3. Section 4 of this act.”.

Amend sec. 7, page 6, by deleting line 24 and inserting:

“Sec. 10. 1. The amendatory provisions of section 2 of this act”.

Amend sec. 7, page 6, line 27, by deleting “1” and inserting “2”.

Amend sec. 7, page 6, between lines 28 and 29 by inserting:

“2. The amendatory provisions of section 3 of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to the provisions of section 3 of this act.

3. The amendatory provisions of section 4 of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to the provisions of section 4 of this act.”.

Amend sec. 8, page 6, line 29, by deleting: “4 and 5” and inserting: “7 and 8”.

Amend sec. 9, page 6, line 32, by deleting: “4, 5 and 8” and inserting: “7, 8 and 11”.

Amend sec. 9, page 6, line 34, by deleting: “1, 6 and 7” and inserting: “1 to 4, inclusive, 9 and 10”.

Amend sec. 9, page 6, line 35, by deleting: “2 and 3” and inserting: “5 and 6”.

Amend the title of the bill, first line, after “vehicles;” by inserting:

“providing for the issuance of special license plates for the support of the preservation of the history of atomic testing in Nevada; providing for the issuance of special license plates to support preserving the federal lands surrounding Las Vegas;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing issuance and use of special license plates. (BDR 43-1019)”.

Assemblywoman Chowning moved that the Assembly concur in the Senate Amendment No. 960 to Assembly Bill No. 643.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Chowning moved that the motion to concur in Senate Amendment No. 960 to Assembly Bill No. 643 be rescinded.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Ocegüera, Brown and Smith as a Committee to review the status of the Conference Committees.

REMARKS FROM THE FLOOR

Assemblyman Lee requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. What a glorious day this has been. I was fortunate enough this morning to wake up to a new grandchild. I would like to put in the Legislative Journal today that Ethan Lee Lueck was born to my daughter Crystal Lueck at 7:15 a.m. He was 7 lbs. 12 oz. Baby and mother are doing well. It is my first grandson. Thank you, very much.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 7, 29, 33, 44, 74, 92, 165, 171, 180, 192, 199, 201, 245, 253, 257, 264, 267, 294, 302, 344, 402, 431, 440, 446, 463, 488, 491, 501, 536, 547, 563, 576, 601, 604, 622, 628, 636, 649; Senate Bills Nos. 39, 112, 115, 221, 223, 227, 237, 238, 252, 274, 289, 311, 337, 380, 381, 397, 406, 467, 483, 499, 519, 557; Senate Concurrent Resolution No. 49.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to William Raley.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Loren Brower, Hayley Brower and Kaitlin Brower.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Jory Bradford.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jay B. Ashworth.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Colombo and Barbara Pennington.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 28, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 28, 2001

Assembly called to order at 12:02 p.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord, today is a special day, a national holiday. It is a day that we remember those who have given their lives so that we can live in freedom. Bless this body as they seek to remember and preserve our freedoms in Nevada. Willingly sacrificing so that others can be free is something You understand, Father. Thank You for doing it for us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Manendo moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 506, 516, 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 115, 503, 504, 514, 523, 525, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 202, 227, 414, 465, 553, 557, 569, 607.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 27, Amendment No. 902; Assembly Bill No. 37, Amendment No. 903; Assembly Bill No. 82, Amendment No. 904; Assembly Bill No. 179,

Amendment Nos. 803, 1048; Assembly Bill No. 305, Amendment No. 912; Assembly Bill No. 338, Amendment No. 927; Assembly Bill No. 383, Amendment No. 1039; Assembly Bill No. 395, Amendment No. 818; Assembly Bill No. 417, Amendment No. 908; Assembly Bill No. 428, Amendment No. 990; Assembly Bill No. 466, Amendment No. 910; Assembly Bill No. 468, Amendment No. 981; Assembly Bill No. 469, Amendment No. 982; Assembly Bill No. 550, Amendment No. 844; Assembly Bill No. 574, Amendment No. 900; Assembly Bill No. 581, Amendment No. 901; Assembly Bill No. 650, Amendment Nos. 989, 1032; Assembly Bill No. 653, Amendment No. 926, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 232, 241, 427, 477, 577.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 739 to Senate Bill No. 51; Assembly Amendment No. 878 to Senate Bill No. 113; Assembly Amendment No. 879 to Senate Bill No. 236; Assembly Amendment No. 988 to Senate Bill No. 502.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 884 to Senate Bill No. 116.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 26, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 4.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 447.

GARY GHIGGERI

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 232.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 241.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 427.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 477.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 577.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of histories on all Bills and Resolutions on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 115, 503, 504, 506, 514, 516, 520, 522, 523, 525, 526, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1100.

Amend the bill as a whole by deleting sections 1 through 5 and the text of the repealed section and adding new sections designated sections 1 through 4 and the text of the repealed section, following the enacting clause, to read as follows:

“Section 1. NRS 561.355 is hereby amended to read as follows:

561.355 1. The plant industry program is hereby established.

2. The following fees and money ~~shall~~ *must* be used in the plant industry program:

(a) Fees and money collected pursuant to the provisions of chapters 552, 555, 581, 582 and 587 of NRS.

(b) *Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of bees, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 552 of NRS.*

(c) Laboratory fees collected for the diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as authorized by NRS 561.305, and as may be necessary ~~under~~ *pursuant* to the provisions of NRS 554.010 to 554.240, inclusive.

~~((c))~~ (d) Laboratory fees collected for the survey and identification of insect pests, plant diseases and noxious weeds, as authorized by NRS

561.305, and as may be necessary ~~under~~ pursuant to the provisions of NRS 555.010 to 555.249, inclusive.

~~((d))~~ (e) Laboratory fees collected for the testing of the purity and germinating power of agricultural seeds, as authorized by NRS 561.305, and as may be necessary ~~under~~ pursuant to the provisions of NRS 587.015 to 587.123, inclusive.

3. Expenditures for the plant industry program ~~shall~~ must be made only for the purposes of carrying out the provisions of *this chapter and* chapters 552, 554, 555, 581, 582 and 587 of NRS . ~~[and the provisions of this chapter.]~~

Sec. 2. NRS 552.300 is hereby amended to read as follows:

552.300 1. Upon presentation of satisfactory evidence by the state quarantine officer, the chief inspector or any deputy inspector of the violation of any of the provisions of this chapter, any district attorney shall, without delay, prosecute the person who has violated any of the provisions of this chapter.

2. The department may employ counsel to assist in the prosecution of any person charged with the violation of any of the provisions of this chapter and compensate the counsel so employed from the ~~apiary inspection account.~~ plant industry program.

Sec. 3. NRS 561.365 is hereby repealed.

Sec. 4. This act becomes effective on July 1, 2001.

TEXT OF REPEALED SECTION

561.365 Apiary inspection account.

1. The apiary inspection account is hereby created in the state general fund for the use of the department.

2. The following fees must be deposited in the apiary inspection account:

(a) Fees collected pursuant to the provisions of NRS 552.085 to 552.310, inclusive.

(b) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of bees, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 552.085 to 552.310, inclusive.

3. Expenditures from the apiary inspection account must be made only to carry out the provisions of this chapter and chapter 552 of NRS.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the state department of agriculture; expanding the types of fees that must be used in the plant industry program and expanding the purposes for which expenditures for the plant industry program may be made; abolishing the apiary inspection account; and providing other matters properly relating thereto.”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1095.

Amend section 1, page 1, line 2, by deleting “\$18,320” and inserting “\$15,867”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 504.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1096.

Amend section 1, page 1, line 2, by deleting “\$80,000” and inserting “\$70,000”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read second time and ordered to third reading.

Assembly Bill No. 514.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1103.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. There is hereby appropriated from the state general fund to the Interim Finance Committee the sum of \$500,000 for allocation to the Department of Human Resources for the costs of developing and converting to an electronic application process for the Nevada Check Up program and Medicaid assistance.

2. The Department of Human Resources may submit a request to the Interim Finance Committee for the allocation of all or any part of the money appropriated by subsection 1 at any time. Any such request must include a plan for the development of and conversion to the new electronic application process, in addition to a description of the proposed new process.

3. Upon receipt of a request from the Department of Human Resources for the allocation of money appropriated by subsection 1, the Interim Finance Committee shall consider the request and may require any additional information that it determines is necessary to make a final decision.

4. Upon considering a request submitted by the Department of Human Resources, and any additional information requested, the Interim Finance Committee shall determine whether to allocate all or any portion of the money appropriated by subsection 1. The Interim Finance Committee is not required to approve the entire funding in any request or to allocate the entire amount appropriated. If the Interim Finance Committee makes an allocation of money pursuant to this section, it shall require such documentation and reporting as it deems necessary. Any change from the plans for the development of or conversion to the new process that were submitted with the request for the allocation must be approved by the Interim Finance Committee before money is committed for expenditure on the portion that is changed.

5. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend the title of the bill, first line, after “the” by inserting: “Interim Finance Committee for allocation to the”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Interim Finance Committee for allocation to Department of Human Resources for electronic application process for Nevada Check Up program and Medicaid assistance. (BDR S-1409)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 516.

Bill read second time and ordered to third reading.

Assembly Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1102.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting: “the Department of Education the sum of \$75,000 for distribution of a grant of money to the Governor’s Advisory Council on Education Relating to the Holocaust created by NRS 233G.020 for carrying out the duties of the Council and continuing its educational programs.”.

Amend the title of the bill to read as follows:

“AN ACT making an appropriation to the Department of Education for distribution of a grant of money to the Governor’s Advisory Council on Education Relating to the Holocaust for carrying out the duties of the Council and continuing its educational programs; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Education for distribution of grant of money to Governor’s Advisory Council on Education Relating to the Holocaust for carrying out duties of Council and continuing its educational programs. (BDR S-1434)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 522.

Bill read second time and ordered to third reading.

Assembly Bill No. 523.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1097.

Amend section 1, page 1, line 1, by deleting “There” and inserting “1. There”.

Amend section 1, page 1, line 3, by deleting “\$2,046,227” and inserting “\$1,749,874”.

Amend section 1, page 1, between lines 3 and 4, by inserting:

“2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. 1. There is hereby appropriated from the state general fund to the Investigation Division of the Department of Motor Vehicles and Public Safety the sum of \$274,012 for the purchase of motor vehicles.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. 1. There is hereby appropriated from the state highway fund to the Investigation Division of the Department of Motor Vehicles and Public Safety the sum of \$22,341 for the purchase of a motor vehicle.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state highway fund as soon as all payments of money committed have been made.”.

Amend the title of the bill to read as follows;

“AN ACT making appropriations to the Motor Pool Division of the Department of Administration and the Investigation Division of the Department of Motor Vehicles and Public Safety for the purchase of additional vehicles; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to Motor Pool Division of Department of Administration and Investigation Division of Department of Motor Vehicles and Public Safety for purchase of additional vehicles. (BDR S-1357)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 525.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1098.

Amend section 1, page 1, line 2, by deleting “\$511,598” and inserting “\$395,028”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 526.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1099.

Amend section 1, page 1, line 2, by deleting “\$545,726” and inserting “\$454,173”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 653.

The following Senate amendment was read:

Amendment No. 926.

Amend section 1, page 1, by deleting line 14 and inserting: “the preceding fiscal year , *minus any excess amount allocated pursuant to subsection 4 of NRS 360.690*, multiplied by one plus the percentage change in the Consumer Price Index (All Items) for the year ending on December 31 immediately preceding the year in which the allocation is made.”.

Amend section 1, page 1, by deleting lines 18 through 21 and inserting: “*district for the preceding fiscal year multiplied by one plus the percentage change in the Consumer Price Index (All Items) for the year ending on December 31 immediately preceding the year in which the allocation is made.*”.

Amend sec. 2, page 2, line 32, by deleting “~~one plus~~” and inserting: “~~one~~ 0.75 plus”.

Amend sec. 2, page 2, line 33, by deleting “Percentage” and inserting: “~~Percentage~~ Average percentage of”.

Amend sec. 2, page 2, line 34, after “is” by inserting: “*made and the 4 fiscal years immediately preceding the year in which the allocation is*”.

Amend sec. 2, page 3, line 5, by deleting “~~one plus~~” and inserting: “~~one~~ 0.75 plus”.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

“Sec. 2.5. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3 to 6, inclusive, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. In a county whose population is 400,000 or more, except as otherwise provided in subsection 6, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by ~~{0.75}~~ 0.5 plus the sum of the:

(I) Average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285 except as otherwise provided in subsection 7; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by ~~{0.75}~~ 0.5 plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. In a county whose population is less than 400,000, except as otherwise provided in subsection 6, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by one plus the sum of the:

(I) Percentage change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285 except as otherwise provided in subsection 7;

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of

the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district.

6. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4 or 5, as applicable, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4 or 5, as applicable.

7. The percentage change calculated pursuant to paragraph (a) of subsection 4 or paragraph (a) of subsection 5 must:

(a) If the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage

change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

8. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

9. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

10. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 9 in the preparation of its budget.”.

Amend the bill as a whole by adding a new section, designated sec. 4.5, following sec. 4, to read as follows:

“Sec. 4.5. Section 9 of chapter 661, Statutes of Nevada 1997, at page 3309, is hereby amended to read as follows:

Sec. 9. This act becomes effective on July 1, 1997, and expires by limitation on July 1, ~~2001~~ 2003.”.

Amend the bill as a whole by deleting sec. 5 and adding:

“Sec. 5. (Deleted by amendment.)”.

Amend sec. 6, page 7, line 24, by deleting “5” and inserting “2.5”.

Amend the bill as a whole by adding a new section, designated sec. 6.5, following sec. 6, to read as follows:

“Sec. 6.5. The advisory committee to the legislative committee to study the distribution among local governments of revenue from state and local taxes created pursuant to subsection 2 of NRS 218.53881 shall conduct a study of the effects of the formula for the distribution of certain revenues among local governments set forth in NRS 360.600 to 360.740, inclusive, and the amendatory provisions of this act. The advisory committee shall report its findings to the legislative committee to study the distribution among local governments of revenue from state and local taxes on or before October 1, 2002.”.

Amend sec. 7, page 7, line 26, by deleting: “sections 5 and 6” and inserting “section 6”.

Amend sec. 8, page 7, by deleting lines 34 and 35 and inserting:

“2. Sections 1, 2, 3 to 5, inclusive, and 6.5 of this act become effective on July 1, 2001.

3. Section 2.5 of this act becomes effective on July 1, 2003.”.

Amend the title of the bill, third line, after “governments;” by inserting: “extending the date for expiration of the legislative committee to study distribution among local governments of revenue from state and local taxes; requiring the advisory committee to the committee to conduct a study;”.

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 653.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 395.

The following Senate amendment was read:

Amendment No. 818.

Amend sec. 2, page 3, by deleting lines 19 through 47 and inserting:

- “1. “Administrator” means the administrator of the health division.
2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.
3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.
4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.
5. “Board” means the state board of health.
6. “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.
7. “Detoxification technician” means a person who is certified by the health division to provide screening for the safe withdrawal from alcohol and other drugs.
8. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.
9. “Halfway house for *recovering* alcohol and drug abusers” means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455.
10. “Health division” means the health division of the department of human resources.”.

Amend sec. 3, pages 4 and 5, by deleting lines 2 through 47 on page 4 and lines 1 through 3 on page 5, and inserting:

“458.025 The health division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this state.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

In developing and revising the state plan, the health division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this state.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this state which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of any halfway houses for *recovering* alcohol and drug abusers, detoxification technicians or any facilities or programs on the basis of the standards established by the board pursuant to this section, and publish a list of certified halfway houses for *recovering* alcohol and drug abusers, detoxification technicians, facilities and programs. Any halfway houses for *recovering* alcohol and drug abusers, detoxification technicians, facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The board shall adopt regulations. The regulations:

(a) Must prescribe the standards for certification of halfway houses for *recovering* alcohol and drug abusers, facilities and programs;

(b) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

(c) May prescribe the fees for the certification of halfway houses for *recovering* alcohol and drug abusers, detoxification technicians, facilities or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the health division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility, its programs and detoxification technicians and add them to the list described in subsection 4.”.

Amend sec. 4, page 5, by deleting lines 7 through 18 and inserting:
“house for *recovering* alcohol and drug abusers must submit to the health division the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The health division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the health division.

3. The certification of a person as a detoxification technician or as the operator of a halfway house for *recovering* alcohol and drug abusers may not be issued or renewed by the health division if the applicant:”.

Amend sec. 4, page 5, line 30, by deleting “director” and inserting “administrator”.

Amend sec. 5, page 5, by deleting lines 35 through 49 and inserting:

“458.027 1. If the health division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified as a detoxification technician or as the operator of a halfway house for *recovering* alcohol and drug abusers, the health division shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the health division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The health division shall reinstate the certification of a person as a detoxification technician or as the operator of a halfway house for *recovering* alcohol and drug abusers that has been suspended by a district court pursuant to NRS 425.540 if the health division receives a letter issued by the”.

Amend sec. 7, page 6, by deleting line 13 and inserting:
“the health division.”.

Amend sec. 7, page 6, line 15, by deleting “bureau” and inserting “health division”.

Amend sec. 8, page 6, line 18, by deleting “bureau” and inserting “health division”.

Amend sec. 8, page 6, line 19, by deleting “first”.

Amend sec. 9, page 6, line 23, by deleting “bureau” and inserting “health division”.

Amend sec. 9, page 6, by deleting line 36 and inserting “board.”.

Amend sec. 10, page 6, by deleting line 41 and inserting:

“standard or regulation adopted by the board, the health division may:”.

Amend sec. 10, page 6, line 47, by deleting “bureau” and inserting “health division”.

Amend sec. 10, page 7, line 8, by deleting “bureau” and inserting “health division”.

Amend sec. 11, page 7, line 11, by deleting “bureau” and inserting “health division”.

Amend sec. 11, page 7, line 15, by deleting “therefor;” and inserting: “therefor from the health division;”.

Amend sec. 11, page 7, by deleting line 17 and inserting “health division.”.

Amend sec. 12, page 7, line 24, by deleting “bureau,” and inserting “health division.”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 395.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 650.

The following Senate amendment was read:

Amendment No. 989.

Amend the bill as a whole by deleting sec. 2 and adding:

“Sec. 2. (Deleted by amendment.)”.

Amend sec. 4, page 3, line 4, after “as” by inserting “otherwise”.

Amend sec. 4, page 3, by deleting lines 16 through 20 and inserting: “be deemed to be or treated as a penal institution.

4. Except as otherwise provided in this subsection, a detention home built and maintained under this chapter must not adjoin, be located on the same grounds as, or share common facilities or common grounds with a prison, an adult jail or an adult lockup. If a detention home built and maintained under this chapter complies with the provisions of 28 C.F.R. § 31.303 relating to collocated facilities, the detention home may adjoin, be located on the same grounds as, or share common facilities or common grounds with an adult jail or an adult lockup.

5. In addition to detention homes, a county may provide and maintain”.

Amend sec. 26, page 19, by deleting lines 12 through 18 and inserting: “the county clerk pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 4, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that

committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of”.

Amend sec. 26, page 19, by deleting line 20 and inserting:

“4. Before the board appoints a committee pursuant to ~~{subsection 1,}~~ *this section*, the”.

Amend sec. 26, page 19, line 29, by deleting “3.” and inserting “5.”.

Amend sec. 26, page 19, line 30, by deleting: “by subsection 1,” and inserting: “pursuant to this section,”.

Amend sec. 26, page 19, line 32, by deleting “4.” and inserting “6.”.

Amend sec. 26, page 19, by deleting lines 37 through 42 and inserting:

“(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question, prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section; and”.

Amend sec. 26, page 19, line 43, by deleting: “arguments and rebuttals” and inserting: “argument and rebuttal”.

Amend sec. 26, page 19, line 45, by deleting “5.” and inserting “7.”.

Amend sec. 26, page 19, line 46, by deleting “5.” and inserting “7.”.

Amend sec. 26, page 20, line 3, by deleting “6.” and inserting “8.”.

Amend sec. 26, page 20, by deleting lines 4 and 5 and inserting: “section, the county clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5”.

Amend sec. 26, page 20, line 14, by deleting “7.” and inserting “9.”.

Amend sec. 26, page 20, line 17, by deleting “6.” and inserting “8.”.

Amend sec. 26, page 20, line 21, by deleting “8.” and inserting “10.”.

Amend sec. 26, page 20, line 22, by deleting: “a committee pursuant to subsection 1.” and inserting: “committees pursuant to this section.”.

Amend sec. 26, page 20, line 23, by deleting “a committee,” and inserting: “committees pursuant to this section.”.

Amend sec. 26, page 20, line 24, by deleting “5.” and inserting “7.”.

Amend sec. 27, page 20, line 29, by deleting “clerk,” and inserting “clerk”.

Amend sec. 27, page 20, by deleting lines 30 through 35 and inserting: “subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 4, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon”.

Amend sec. 27, page 20, by deleting line 38 and inserting:

“4. Before the council appoints a committee pursuant to this section,”.

Amend sec. 27, page 20, line 47, by deleting “3.” and inserting “5.”.

Amend sec. 27, page 20, line 48, by deleting: “by subsection 1,” and inserting: “pursuant to this section,”.

Amend sec. 27, page 21, line 1, by deleting “4.” and inserting “6.”.

Amend sec. 27, page 21, by deleting lines 6 through 11 and inserting:

“(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question, prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section; and”.

Amend sec. 27, page 21, line 12, by deleting: “arguments and rebuttals” and inserting: “argument and rebuttal”.

Amend sec. 27, page 21, line 14, by deleting “5.” and inserting “7.”.

Amend sec. 27, page 21, line 15, by deleting “5.” and inserting “7.”.

Amend sec. 27, page 21, line 21, by deleting “6.” and inserting “8.”.

Amend sec. 27, page 21, by deleting lines 22 and 23 and inserting: “section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days”.

Amend sec. 27, page 21, line 31, by deleting “7.” and inserting “9.”.

Amend sec. 27, page 21, line 34, by deleting “6.” and inserting “8.”.

Amend sec. 27, page 21, line 38, by deleting “8.” and inserting “10.”.

Amend sec. 27, page 21, line 39, by deleting: “a committee pursuant to subsection 1.” and inserting: “committees pursuant to this section.”.

Amend sec. 27, page 21, line 40, by deleting “a committee,” and inserting: “committees pursuant to this section,”.

Amend sec. 27, page 21, line 41, by deleting “5.” and inserting “7.”.

Amend the bill as a whole by renumbering sections 60 and 61 as sections 61 and 62 and adding a new section designated sec. 60, following sec. 59, to read as follows:

“Sec. 60. Section 12 of Assembly Bill No. 487 of this session is hereby amended to read as follows:

Sec. 12. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

(a) The death or resignation of the incumbent.

(b) The removal of the incumbent from office.

(c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of his official oath or bond or a violation of NRS 241.040, 293.1755 or 293C.200.

(e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010, or, when a bond is required by law, his refusal or neglect to give the bond within the time prescribed by law.

(f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be an actual, as opposed to constructive, resident of the state, district, county, city, ward or other unit prescribed by law in which the duties of his office are to be exercised, or from which he was elected or appointed, or in which he was required to reside to be a candidate for office or appointed to office.

(g) The neglect or refusal of the incumbent to discharge the duties of his office for a period of 30 days, except when prevented by sickness or absence from the state or county, as provided by law. In a county whose population is less than 15,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of his office for at least 6 months, the district attorney, either on his own volition or at the request of

another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the attorney general, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

(1) The medical condition of the incumbent;

(2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of his office; and

(3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.

(h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

(i) *A determination pursuant to section 2 or 8 of this act that the incumbent fails to meet any qualification required for the office.*

2. Upon the happening of any of the events described in subsection 1, if the incumbent fails or refuses to relinquish his office, the attorney general shall, if the office is a state office or concerns more than one county, or the district attorney shall, if the office is a county office or concerns territory within one county, commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring that office vacant.”.

Amend sec. 61, page 45, by deleting line 23 and inserting:

“Sec. 62. 1. This section and sections 1, 3, and 5 to 60, inclusive, of this act become effective on July 1, 2001.

2. Section 4 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 989 to Assembly Bill No. 650.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1032.

Amend sec. 14, page 7, line 41, after “4.” by inserting: “Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the manufactured housing division of the department of business and industry. The division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5.”.

Amend sec. 14, page 8, by deleting lines 1 and 2 and inserting:

“6. As used in this section:

(a) “Manufactured home” has the meaning ascribed to it in NRS 489.113.

(b) “New manufactured home” has the meaning ascribed to it in NRS 489.125.”.

Amend sec. 19, page 11, by deleting line 4 and inserting: “final action shall, by an affirmative vote of a majority of all the members, approve.”.

Amend sec. 19, page 11, lines 45 and 46, by deleting: “a majority vote of the members present,” and inserting: “an affirmative vote of a majority of all the members,”.

Amend sec. 21, page 15, between lines 38 and 39, by inserting:

“12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents.”.

Amend sec. 48, page 38, line 18, by deleting “insurance” and inserting: “insurance, the attorney general and the fraud control unit established pursuant to section 27 of *Assembly Bill No. 135* of this ~~act~~ session”.

Amend sec. 62, page 46, line 12, by deleting:

“and 5 to 60,” and inserting:

“5 to 13, inclusive, 15 to 18, inclusive, 20 and 22 to 61,”

Amend sec. 62, page 46, line 14, by deleting: “Section 4” and inserting: “Sections 4, 14, 19 and 21”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 1032 to Assembly Bill No. 650.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 990.

Amend the bill as a whole by renumbering sections 5 through 9 as sections 7 through 11 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

“Sec. 5. NRS 341.060 is hereby amended to read as follows:

341.060 Within a reasonable time after the appointment of the members of the board, the board shall meet upon the call of the governor and shall organize and elect a *chairman and vice chairman* ~~[-]~~ *from among the members appointed pursuant to NRS 341.020.*

Sec. 6. NRS 341.070 is hereby amended to read as follows:

341.070 The board shall ~~[-]~~ *adopt* :

1. *Adopt* such rules for the regulation of its proceedings and the transaction of its business as it deems proper.

2. *Meet at least once every 3 months.”.*

Amend the bill as a whole by renumbering sections 10 and 11 as sections 13 and 14 and adding a new section designated sec. 12, following sec. 9, to read as follows:

“Sec. 12. NRS 232.215 is hereby amended to read as follows:

232.215 The director:

1. Shall appoint a chief of the:

- (a) Risk management division;
- (b) Buildings and grounds division;
- (c) Purchasing division;
- (d) State printing division;
- (e) Administrative services division;
- (f) Division of internal audits; and
- (g) Motor pool division, if separately established.

2. Shall appoint a chief of the budget division, or may serve in this position if he has the qualifications required by NRS 353.175.

3. Shall serve as chief of the hearings division and shall appoint the hearing officers and compensation officers. The director may designate one of the appeals officers in the division to supervise the administrative, technical and procedural activities of the division.

4. ~~{Shall serve as chairman of the state public works board.~~

5. Is responsible for the administration, through the divisions of the department, of the provisions of chapters 331, 333, 336 and 344 of NRS, NRS 353.150 to 353.246, inclusive, and 353A.031 to 353A.100, inclusive, and all other provisions of law relating to the functions of the divisions of the department.

~~{6.}~~ 5. Is responsible for the administration of the laws of this state relating to the negotiation and procurement of medical services and other benefits for state agencies.

~~{7.}~~ 6. Has such other powers and duties as are provided by law.”.

Amend sec. 11, page 5, by deleting line 28 and inserting:

“Sec. 14. 1. This section and sections 1 to 9, inclusive, 11, 12 and 13 of”.

Amend sec. 11, page 5, line 30, by deleting “7” and inserting “9”.

Amend sec. 11, page 5, line 31, by deleting “8” and inserting “10”.

Amend the title of the bill, tenth line, after “professional;” by inserting: “removing the provision requiring the director of the department of administration to serve as the chairman of the board; requiring the chairman of the board to be elected from among the appointed members of the board;”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 428.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Concurrent Resolution No. 38 be placed on the Resolution File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 468.

The following Senate amendment was read:

Amendment No. 981.

Amend section 1, page 2, by deleting line 12 and inserting:

“4. A tax may not be imposed pursuant to this section on water that is”.

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 468.

Remarks by Assemblyman de Braga.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 469.

The following Senate amendment was read:

Amendment No. 982.

Amend section 1, page 1, line 2, by deleting “5,” and inserting “7.”.

Amend sec. 2, page 1, by deleting lines 3 through 5 and inserting:

“Sec. 2. As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.”.

Amend the bill as a whole by renumbering sections 3 through 9 as sections 5 through 11 and adding new sections designated sec. 3 and sec. 4, following sec. 2, to read as follows:

“Sec. 3. “Division” means the division of wildlife of the state department of conservation and natural resources.

Sec. 4. “Interstate waters of the state” means waters forming the boundary between the State of Nevada and an adjoining state.”.

Amend sec. 3, page 1, line 8, after “any” by inserting “interstate”.

Amend sec. 3, page 2, line 12, after “the” by inserting “interstate”.

Amend sec. 3, page 2, line 16, after “any” by inserting “interstate”.

Amend sec. 3, page 2, line 38, after “motorboats” by inserting: “for operation on the interstate waters of this state”.

Amend sec. 3, page 2, line 40, before “waters” by inserting “interstate”.

Amend sec. 3, page 3, line 4, after “the” by inserting “interstate”.

Amend sec. 3, page 3, line 9, after “motorboats” by inserting: “for operation on the interstate waters of this state”.

Amend sec. 3, page 3, line 20, after “motorboats” by inserting: “for operation on the interstate waters of this state”.

Amend sec. 5, page 3, line 44, by deleting “4” and inserting “6”.

Amend sec. 6, page 4, line 20, by deleting “3” and inserting “5”.

Amend sec. 7, page 4, line 48, after “*the*” by inserting “*interstate*”.

Amend sec. 7, page 5, line 2, after “*Administrators.*” by inserting: “*As used in this subsection, “interstate waters of this state” means waters forming the boundary between the State of Nevada and an adjoining state.*”.

Amend sec. 8, page 5, line 3, by deleting “3” and inserting “5”.

Amend sec. 9, page 5, line 5, by deleting: “1, 2, 4 and 8” and inserting: “1 to 4, inclusive, 6 and 10”.

Amend sec. 9, page 5, line 7, by deleting “5” and inserting “7”.

Amend sec. 9, page 5, line 10, by deleting: “3, 6 and 7” and inserting: “5, 8 and 9”.

Amend the title of the bill, first line, after “motorboats” by inserting: “on certain waters”.

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 469.

Remarks by Assemblyman de Braga.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 1:51 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 27.

The following Senate amendment was read:

Amendment No. 902.

Amend section 1, page 1, line 19, by deleting “and”.

Amend section 1, page 1, line 20, by deleting “*hats.*” and inserting: “*hats;*”

(f) *The supervising entity obtains written permission from the parents or guardians of the children; and*

(g) *The supervising entity obtains written permission from and complies with all safety rules of the governmental entity with authority over the controlled-access highway.*”.

Amend section 1, page 2, line 10, by deleting “and”.

Amend section 1, page 2, line 11, by deleting “*hats.*” and inserting: “*hats;*”

(e) *The supervising entity obtains written permission from the parents or guardians of the children; and*

(f) *The supervising entity obtains written permission from and complies with all safety rules of the governmental entity with authority over the highway.”.*

Amend section 1, page 2, by deleting lines 12 through 15 and inserting:

“4. *Upon the request of the parent or guardian of a child who is assigned to perform work or community service on or near a highway pursuant to subsection 2 or 3, the supervising entity shall make available to the parent or guardian of the child information regarding the nature of the work or community service to be performed by the child and the specific location at which the work or community service is to be performed.”.*

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 27.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 37.

The following Senate amendment was read:

Amendment No. 903.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 125B.070 is hereby amended to read as follows:

125B.070 1. As used in this section and NRS 125B.080, unless the context otherwise requires:

(a) “Gross monthly income” means the total amount of income *received each month* from any source of a ~~[wage-earning employee]~~ *person who is not self-employed* or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) “Obligation for support” means the *sum certain dollar* amount determined according to the following schedule:

(1) For one child, 18 percent;

(2) For two children, 25 percent;

(3) For three children, 29 percent;

(4) For four children, 31 percent; and

(5) For each additional child, an additional 2 percent, of a parent’s gross monthly income, but not more than ~~[\$500]~~ *the presumptive maximum amount* per month per child *set forth for the parent in subsection 2* for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. ~~{On or before January 18, 1993, and on or before the third Monday in January every 4 years thereafter, the State Bar of Nevada shall review the formulas set forth in this section to determine whether any modifications are advisable and report to the legislature their findings and any proposed amendments.}~~ For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:

PRESUMPTIVE MAXIMUM AMOUNT
The Presumptive Maximum Amount the
Parent May Be Required To Pay
Per Month Per Child Pursuant to
Paragraph (b) of Subsection 1. Is

INCOME RANGE

If the Parent's Gross

Monthly Income is At Least

But Not

Greater Than

\$0 -	\$4,167	\$500
4,168 -	6,250	550
6,251 -	8,333	600
8,334 -	10,417	650
10,418 -	12,500	700
12,501 -	14,583	750

If a parent's gross monthly income is greater than \$14,583, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is \$800.

3. The amounts set forth in subsection 2 for each income range and the corresponding amount of the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the office of court administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. As used in this section, "office of court administrator" means the office of court administrator created pursuant to NRS 1.320."

Amend sec. 2, page 3, lines 21 and 22, by deleting: "gross annual income or".

Amend sec. 2, page 3, by deleting line 28 and inserting: "adjustment made pursuant to subsection 3 of NRS 125B.070 or".

Amend sec. 2, page 4, line 15, before "responsibility" by inserting "legal".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. This act becomes effective on April 1, 2002, for the purpose of allowing the office of court administrator to adjust the presumptive maximum amount per month per child for an obligation for support pursuant to subsection 3 of NRS 125B.070, as amended by this act, and on July 1, 2002, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to child support; increasing the presumptive maximum monthly amount that certain parents may be required to pay for support of a child; requiring the office of court administrator to adjust annually the amount of such payments based on the consumer price index; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing presumptive maximum monthly amount that certain parents may be required to pay for support of their children. (BDR 11-1051)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 37.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 82.

The following Senate amendment was read:

Amendment No. 904.

Amend section 1, page 1, after line 15, by inserting:

“3. *A person who obtains an order pursuant to NRS 200.591 must not be charged any fee to have the order served in this state.*”.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. This act becomes effective upon passage and approval.”.

Amend the title of the bill, third line, after “party;” by inserting: “making various other changes pertaining to such an order;”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 82.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 417.

The following Senate amendment was read:

Amendment No. 908.

Amend section 1, page 1, by deleting lines 2 through 15 and inserting:
“48.061 ~~[Evidence]~~”

1. *Except as otherwise provided in subsection 2, evidence of domestic violence ~~as defined in NRS 33.018~~ and expert testimony concerning the effect of domestic violence , including, without limitation, the effect of physical, emotional or mental abuse, on the beliefs, behavior and perception of the ~~person alleging~~ alleged victim of the domestic violence that is offered by the prosecution or defense is admissible in ~~chief and in rebuttal,~~ a criminal proceeding for any relevant purpose, including, without limitation, when determining:*

~~{1.}~~ (a) Whether a ~~person~~ defendant is excepted from criminal liability pursuant to subsection 7 of NRS 194.010, to show the state of mind of the defendant.

~~{2.}~~ (b) Whether a ~~person~~ defendant in accordance with NRS 200.200 has killed another in self-defense, toward the establishment of the legal defense.

2. *Expert testimony concerning the effect of domestic violence may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.*

3. *As used in this section, “domestic violence” means the commission of any act described in NRS 33.018.”.*

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 417.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 574.

The following Senate amendment was read:

Amendment No. 900.

Amend sec. 3, page 4, by deleting lines 17 and 18 and inserting:

“2. ~~{Sections 1 to 10, inclusive,}~~ Section 3 of this act ~~{expire}~~ expires by limitation on June 30, 2001.

3. *Sections 1, 2 and 4 to 10, inclusive, of this act expire by limitation on June 30, 2003.”.*

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 574.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 305.

The following Senate amendment was read:

Amendment No. 912.

Amend section 1, page 1, line 4, after “of” by inserting: “*financial gain and the purpose of*”.

Amend section 1, page 1, line 8, after “is” by inserting “*nude and*”.

Amend section 1, page 1, by deleting line 9 and inserting: “*expectation of privacy. For the purposes of this subsection:*”

(a) *A male person is “nude” if any portion of the genitals or pubic area of the person is showing with less than a fully opaque covering.*

(b) *A female person is “nude” if any portion of the genitals, pubic area or breast of the person is showing with less than a fully opaque covering.*

(c) *“Place in”.*

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 305.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

The following Senate amendment was read:

Amendment No. 910.

Amend sec. 2, page 3, line 16, by deleting: “90 days. If within 90” and inserting: “120 days. If within ~~{90}~~ 120”.

Amend sec. 2, page 3, line 42, by deleting “90-day” and inserting “~~{90-day}~~ 120-day”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 8 and 9 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

“Sec. 3. NRS 463A.010 is hereby amended to read as follows:

463A.010 The legislature finds and declares that:

1. The relationship which exists between a labor organization and the employees whom it represents *or seeks to represent* in collective bargaining is such that it may significantly affect the conduct of a gaming operation by an employer.

2. In the past, attempts have been made by persons whose background is not suitable for association with licensed gaming to gain positions of control in labor organizations representing *or seeking to represent* gaming casino employees in this state.

3. In order to carry out the declared policy of this state that licensed gaming be conducted freely and honestly, and in order to protect the welfare of the employees of the gaming industry which is fundamental to the economy of this state, it is necessary to determine the suitability of any person who performs *or seeks to perform* certain significant functions in the representation of gaming casino employees in this state.

Sec. 4. NRS 463A.020 is hereby amended to read as follows:

463A.020 As used in this chapter:

1. “Board” means the state gaming control board.

2. “Commission” means the Nevada gaming commission.

3. “Gaming casino employee” means any person employed directly or indirectly in the operation of a gaming establishment under a nonrestricted license, including:

(a) All personnel involved in the operation of a casino gaming pit, such as dealers, shills, clerks, hosts, junket representatives and the supervisors of such persons;

(b) All personnel involved in handling money, such as cashiers, change persons, count teams, coin wrappers and the supervisors of such persons;

(c) All personnel involved in the operation of games, such as bingo and keno;

(d) All personnel involved in operating and maintaining slot machines, such as mechanics, floormen, change and payoff persons and the supervisors of such persons;

(e) All personnel involved in security, such as guards, games observers and the supervisors of such persons;

(f) All personnel involved in the operation of a race or sports book, such as writers, boardmen, cashiers and the supervisors of such persons;

(g) All personnel involved in the operation of a pari-mutuel operation licensed under chapter 464 of NRS and any sporting event on which such pari-mutuel wagering is conducted; and

(h) Such other persons whose duties are similar to the classifications set forth in paragraphs (a) to (g), inclusive, as the commission may from time to time designate by regulation, but does not include personnel whose duties are related solely to such nongaming activities as entertainment, hotel operation, maintenance and the preparation and serving of food and beverages.

4. “Labor organization” means an organization of any kind, or any agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing *or seeking to deal* with employers of gaming casino employees concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work of gaming casino employees.

Sec. 5. NRS 463A.030 is hereby amended to read as follows:

463A.030 1. ~~Every~~ *Not later than the date on which a labor organization which represents or seeks to represent gaming casino employees in this state begins an organizational activity directed at a gaming casino employee, the labor organization shall file with the board a list of its personnel who:*

(a) *Adjust or seek to adjust* grievances for, negotiate or administer the wages, hours, working conditions or conditions of employment of any gaming casino employee;

(b) *Solicit, collect or receive or seek to solicit, collect or receive* any dues, assessments, levies, fines, contributions or other charges within this state for or on behalf of the organization from gaming casino employees; or

(c) Act as officers, members of the governing body, business agents or in any other policymaking or supervisory position in the organization.

2. Each person listed shall file with the board his fingerprints and complete information in writing concerning his labor organization activities, prior performance of the same or similar functions, previous employment or occupational history, and criminal record if any, covering at least a 10-year period unless the board determines that a shorter period is appropriate.

3. The commission shall by regulation prescribe the frequency or circumstances or both with or under which the list ~~shall~~ *must* be revised.

4. The commission may by regulation prescribe:

(a) Any further information to be required concerning each person listed or each person performing a particular function.

(b) The addition of other personnel to the list whose duties significantly affect the conduct of a gaming operation.

5. In adopting regulations pursuant to this section, the commission shall proceed in the manner prescribed in chapter 463 of NRS.

6. *For the purposes of this section, "organizational activity" includes, without limitation:*

(a) Soliciting membership by direct personal contact;

(b) Distributing cards regarding interests or representation; and

(c) Distributing or posting a flyer, poster or advertisement.

Sec. 6. NRS 463A.050 is hereby amended to read as follows:

463A.050 1. To determine suitability under and compliance with the provisions of this chapter, the board may investigate any person whose name is listed by a labor organization or who it believes is performing *or seeking to perform* a function which requires listing. For this purpose, the board is vested with all of the powers which it possesses for the investigation of an applicant for or holder of a state gaming license, and may further make such examination as it reasonably deems necessary of the financial records of any labor organization for whom such *a* person is performing *or seeking to perform* such a function.

2. The cost of any investigation required by this section ~~shall~~ *must* be paid by the board from ~~monies~~ *money* appropriated or authorized to be used for this purpose.

3. Whenever the board undertakes an investigation pursuant to this section, ~~it~~ *the board* shall employ or consult with some person who has a professional background in the field of labor relations. The same services may be retained to assist the commission upon any subsequent hearing of the matter.

4. The board shall, if appropriate, recommend to the commission that a person investigated be disqualified.

Sec. 7. NRS 463A.060 is hereby amended to read as follows:

463A.060 1. If the board recommends that a person be disqualified, the commission shall serve upon the person and the labor organization for which

the person is performing his function ~~[a notice, a]~~ or seeking to perform that function:

- (a) A notice;
 - (b) A statement of the reasons for the recommendation ; and ~~[three]~~
 - (c) Three copies of a form entitled "Notice of Defense."
2. The notice of defense must read substantially as follows:

NOTICE OF DEFENSE

Instructions to Respondents: Two copies of this form should be filed with the Nevada gaming commission, Carson City, Nevada, within 15 days after service upon you of the enclosed complaint. The form must be signed by you or on your behalf. You will note that blanks are provided for any information you wish to supply.

	Yes	No
1. Do you request a hearing?	☐	☐
2. Do you admit the facts stated in the complaint?	☐	☐

If you admit some of the facts stated in the complaint, but deny others, please specify:

(space for answer)

3. Are there any defenses or explanations which you believe the commission should consider? ☐ ☐

If so, please specify:

(space for answer)

4. Do you wish to state any legal objections to the complaint? ☐ ☐

If so, please specify:

(space for answer)

Note: If you fail to file two copies of this form as specified, the commission may proceed upon the complaint without a hearing."

Amend sec. 3, page 6, line 10, after "of" by inserting: "sections 1 and 2 of".

Amend sec. 4, page 6, line 20, by deleting "becomes" and inserting: "and sections 3 to 7, inclusive, of this act become".

Amend sec. 4, page 6, line 22, by deleting "3" and inserting "8".

Amend the title of the bill, third line, after "permit;" by inserting: "revising various provisions governing the listing, investigation and disqualification of personnel of a labor organization for gaming employees;".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for issuance of statewide work permits for gaming employees and revises various provisions governing labor organizations for gaming employees. (BDR 41-244)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 466.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

The following Senate amendment was read:

Amendment No. 1039.

Amend section 1, page 1, line 5, by deleting "*highway*," and inserting: "*highway within a county whose population is 100,000 or more*,".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 383.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Koivisto moved that the Assembly do not recede from its action on Senate Bill No. 116, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Koivisto.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Manendo and Gibbons as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 116.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 38.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

Assemblywoman Buckley moved that Senate Bill No. 299 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Williams moved that Senate Bill No. 543 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Williams.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 286 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 401 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 504 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 522 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:10 p.m.

ASSEMBLY IN SESSION

At 2:15 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 187.

Bill read third time.

Roll call on Assembly Bill No. 187:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189.

Bill read third time.

Roll call on Assembly Bill No. 189:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 311.

Bill read third time.

Roll call on Assembly Bill No. 311:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Carpenter.

Assembly Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

Roll call on Assembly Bill No. 507:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511.

Bill read third time.

Roll call on Assembly Bill No. 511:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Roll call on Assembly Bill No. 517:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524.

Bill read third time.

Roll call on Assembly Bill No. 524:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 527.

Bill read third time.

Roll call on Assembly Bill No. 527:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Senate Bill No. 216 be taken from the Chief Clerk's desk, to follow Assembly Bill No. 664 on the General File.

Remarks by Assemblyman Dini.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 529.

Bill read third time.

Roll call on Assembly Bill No. 529:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 532.

Bill read third time.

Roll call on Assembly Bill No. 532:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 532 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 533.

Bill read third time.

Roll call on Assembly Bill No. 533:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 613.

Bill read third time.

Roll call on Assembly Bill No. 613:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 613 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 664.

Bill read third time.

Roll call on Assembly Bill No. 664:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 664 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 216.

Bill read third time.

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

Amendment No. 1114.

Amend sec. 4, page 2, by deleting line 45 and inserting: “*directly by the qualified employee or qualified officer of the contractor.*”.

Amend sec. 4.5, page 2, line 46, by deleting “A” and inserting: “*Except as otherwise provided in section 5 of this act, a*”.

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4.5, to read as follows:

“Sec. 5. 1. *A contract for the repair, restoration, improvement or construction of a residential pool or spa, regardless of use, is not enforceable against the owner if the obtaining of a loan for all or a portion of the contract price is a condition precedent to the contract unless all of the following requirements are satisfied:*

(a) *A third-party agrees to make the loan or give the financing.*

(b) *The owner agrees to accept the loan or financing.*

(c) *The owner does not rescind the loan or financing transaction within the period prescribed for rescission pursuant to the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., or chapter 598 of NRS, if applicable.*

2. *Unless and until all applicable requirements of subsection 1 are satisfied, a contractor shall not:*

(a) Perform or deliver any work, labor, material or services; or
 (b) Represent in any manner that the contract is enforceable or that the owner has any obligation under the contract.

3. A contract for the repair, restoration, improvement or construction of a residential pool or spa, regardless of use, is not enforceable against the owner if the contractor provides a loan or gives financing for all or a portion of the contract price unless all of the following requirements are satisfied:

(a) The owner agrees to accept the loan or financing.
 (b) The owner does not rescind the loan or financing transaction within the period prescribed for rescission pursuant to the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., or chapter 598 of NRS, if applicable.

4. Unless and until all applicable requirements of subsection 3 are satisfied, a contractor shall not:

(a) Perform or deliver any work, labor, material or services; or
 (b) Represent in any manner that the contract is enforceable or that the owner has any obligation under the contract.

5. As used in this section, “third-party” means a bonding company, finance company, or any other corporation or business entity who cosigns, underwrites, obtains a deed of trust for, issues, sells, purchases or acquires a loan to finance the repair, restoration, improvement or construction of a residential pool or spa.”

Amend sec. 9, page 6, by deleting line 8 and inserting:

“(k) ~~{The}~~ Except as otherwise provided in this subsection, the dollar amount of any progress”.

Amend sec. 9, page 6, by deleting lines 11 through 14 and inserting: “under the contract. The schedule of payments must show the amount of each payment as a sum in dollars and cents. The schedule of payments must not provide for the contractor to”.

Amend sec. 9, page 6, line 17, after “except” by inserting: “for an initial down payment”.

Amend sec. 9, page 6, lines 19 and 23, by deleting “payment schedule” and inserting: “schedule of payments”.

Amend sec. 9, page 6, between lines 26 and 27, by inserting: “The provisions of this paragraph do not apply if the contractor has furnished a bond for payment and performance covering full performance and completion of the contract and the cost of the bond is included in the price of the project.”.

Amend sec. 13, page 9, by deleting lines 9 and 10 and inserting: “residential pool or spa, obtain:”.

Amend sec. 13, page 9, by deleting line 24 and inserting: “bond for the period required by the board. The contractor shall furnish to the building department of the city or county, as applicable, in which the work will be carried out, a copy of any bond.”.

Amend the bill as a whole by deleting sections 13.3 and 13.7.

Amend sec. 16, page 11, line 35, by deleting: "July 1, 1998." and inserting: "October 1, 1999.".

Amend sec. 19, page 12, line 6, by deleting "13.3, 13.7,".

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 450.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 184, 193, 207, 208, 321, 432, 435, 436, 437, 438, 439, 440, 441, 446, 455, 456, 457.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 184.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 193.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 207.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 208.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 321.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 432.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 435.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 436.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 437.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 438.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 439.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 440.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 441.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 446.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 450.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 455.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 456.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 457.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Senate Bill No. 184 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 184 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Senate Bill No. 193 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 193 be referred to the Committee on Judiciary.

Motion carried.

Assemblywoman Buckley moved that all rules be suspended and that all Assembly bills and joint resolutions passed this legislative day be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblywoman Giunchigliani moved that Senate Bill No. 357 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman de Braga moved that Senate Bill No. 536 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 357.

Bill read second time.

The following amendment was proposed by Assemblymen Arberry, Bache, Beers, Brown, Buckley, Cegavske, Chowning, Claborn, Collins, Giunchigliani, Goldwater, Koivisto, Lee, McClain, Mortenson, Nolan, Ocegüera, Ohrenschall, Parks, Perkins, Price, Tiffany and Williams:

Amendment No. 1135.

Amend the bill as a whole by deleting sec. 2, renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause to read as follows:

“Section 1. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the board of county commissioners of a county whose population is 400,000 or more determines that the imposition of an additional fee is necessary to carry out the program for the control of air pollution established pursuant to subsection 1 of NRS 445B.500, the board of county commissioners may impose on or before July 1, 2002, an additional fee not to exceed \$3 for each form certifying emission control compliance to be collected in the manner set forth in NRS 445B.830.*

2. *If the board of county commissioners imposes an additional fee pursuant to subsection 1, the board of county commissioners shall propose to the registered voters of the county at the general election held in 2002 the question of whether to impose an additional fee not to exceed \$6 for each form certifying emission control compliance. If a majority of the registered voters of the county do not approve the question, any fee imposed pursuant to subsection 1 must not be collected after December 1, 2002. If a majority of the registered voters of the county approve the question, the board of county commissioners may collect not more than the amount of the additional fee stated on the ballot, including any additional fee imposed pursuant to subsection 1 after December 1, 2002.*

3. *The department of motor vehicles and public safety shall distribute any additional fees for forms certifying emission control compliance collected pursuant to this section to the local air pollution control agency in the county from which the additional fees were collected to carry out the program for the control of air pollution established pursuant to NRS 445B.500.*

4. *If the question proposed pursuant to subsection 2 is approved by the voters, the local air pollution control agency in the county in which the question is approved shall submit on or before October 1 of each year to the director of the legislative counsel bureau for transmittal to the interim finance committee a report on:*

(a) *The amount of money that the agency received during the immediately preceding fiscal year from the imposition of the additional fee; and*

(b) *The purposes for which that money was expended to carry out the program for the control of air pollution established pursuant to NRS 445B.500.”.*

Amend section 1, pages 1 and 2, by deleting lines 13 through 16 on page 1 and lines 1 and 2 on page 2.

Amend section 1, page 2, lines 3 and 4, by deleting:

“4 ~~5 and 6,~~ to 7, inclusive,” and inserting: “4, 5 and 6,”.

Amend section 1, page 2, line 5, by deleting “~~4,~~ 5,” and inserting “4,”.

Amend section 1, page 2, by deleting lines 27 through 32.

Amend section 1, page 2, line 33, by deleting "5." and inserting "4."

Amend section 1, pages 2 and 3, by deleting lines 47 and 48 on page 2 and line 1 on page 3, and inserting:

"any disbursements made from the account pursuant to subsection 2.

5. Any regulations adopted pursuant to subsection 4 must provide".

Amend section 1, page 3, line 11, by deleting "[4] 5" and inserting "4".

Amend section 1, page 3, by deleting line 12 and inserting:

"6. Grants proposed pursuant to subsections 4 and 5 must".

Amend sec. 3, page 3, by deleting lines 43 through 46 and inserting:

"Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3. Section 1 of this act expires by limitation on June 30, 2009."

Amend the title of the bill to read as follows:

"AN ACT relating to air pollution; revising the provisions governing the disbursement of money from the pollution control account; authorizing the board of county commissioners of certain larger counties, in certain circumstances, to impose an additional fee for each form certifying emission control compliance for a limited period; requiring approval of the voters for continuation or increase of such a fee; providing that such fees must be distributed to the local air pollution control agency in the county in which the fees were collected; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes board of county commissioners of certain larger counties, in certain circumstances, to impose additional fee for each form certifying emission control compliance for limited period and revises provisions governing the disbursement of money from the pollution control account. (BDR 40-1180)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Senate Bill No. 193 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 193 be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 2:53 p.m.

ASSEMBLY IN SESSION

At 6:31 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 516 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 177, 197, 278, 282, 386, 558, 605.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 638, Amendment No. 932, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 102, Amendment No. 942; Assembly Bill No. 133, Amendment No. 1044; Assembly Bill No. 182, Amendment No. 940; Assembly Bill No. 198, Amendment No. 979; Assembly Bill No. 219, Amendment No. 1001; Assembly Bill No. 248, Amendment Nos. 1031, 1065; Assembly Bill No. 313, Amendment No. 1089; Assembly Bill No. 314, Amendment No. 939; Assembly Bill No. 326, Amendment No. 819; Assembly Bill No. 370, Amendment No. 1081; Assembly Bill No. 419, Amendment No. 980; Assembly Bill No. 429, Amendment Nos. 909, 1068; Assembly Bill No. 442, Amendment No. 945; Assembly Bill No. 452, Amendment Nos. 853, 1071; Assembly Bill No. 461, Amendment No. 935; Assembly Bill No. 540, Amendment No. 964; Assembly Bill No. 560, Amendment No. 933; Assembly Bill No. 568, Amendment No. 1050; Assembly Bill No. 619, Amendment Nos. 1043, 1080, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 370.

The following Senate amendment was read:

Amendment No. 1081.

Amend sec. 6, page 2, by deleting lines 8 and 9, and inserting:

“3. The threat would cause a reasonable person to fear that the threat will be carried out or the act would cause a reasonable person to feel terrorized, frightened, intimidated or harassed.”

Amend sec. 7, page 2, line 12, by deleting “an” and inserting “a temporary”.

Amend the bill as a whole by deleting sections 8 and 9 and adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

“Sec. 8. 1. The court may issue a temporary order for protection against harassment in the workplace if it appears to the satisfaction of the court from specific facts shown by a verified application filed pursuant to section 7 of this act that harassment in the workplace has occurred.

2. Except as otherwise provided in subsection 4, a temporary order for protection against harassment in the workplace must not be issued without notice to the person who allegedly committed the harassment. A temporary order for protection against harassment in the workplace must not be issued without the giving of security by the employer in an amount determined by the court to be sufficient to pay for such costs and damages as may be incurred or suffered by the person who allegedly committed the harassment if the person who allegedly committed the harassment is found to have been wrongfully enjoined or restrained.

3. The court may require the employer or the person who allegedly committed the harassment, or both, to appear before the court before determining whether to issue the temporary order for protection against harassment in the workplace.

4. A court may issue a temporary order for protection against harassment in the workplace without written or oral notice to the person who allegedly committed the harassment or his attorney only if:

(a) A verified application is accompanied by an affidavit that contains specific facts which clearly show that immediate and irreparable injury, loss or damage will result to the employer, an employee of the employer while the employee performs the duties of his employment or a person who is present at the workplace of the employer before the person who allegedly committed the harassment or his attorney can be heard in opposition; and

(b) The employer and the employer's attorney, if any, set forth in the affidavit:

(1) The efforts, if any, that have been made to give notice to the person who allegedly committed the harassment; and

(2) The facts supporting waiver of notice requirements.

5. A temporary order for protection against harassment in the workplace that is granted, with or without notice, must expire not later than 15 days after the date on which the order is issued, unless extended pursuant to subsections 6 and 7.

6. If a temporary order for protection against harassment in the workplace is granted, with or without notice, the employer or his authorized agent may apply for an extended order for protection against harassment in the workplace by filing a verified application for an extended order for protection against harassment in the workplace. Such an application must:

(a) In addition to the information required by subsection 2 of section 7 of this act, set forth the facts that provide the basis for granting an extended order for protection against harassment in the workplace;

(b) Be filed before the expiration of the temporary order for protection against harassment in the workplace;

(c) Be heard as soon as reasonably possible and not later than 10 days after the date on which the application is filed with the court unless the court determines that there are compelling reasons to hold the hearing at a later date; and

(d) Be dismissed if the court finds that the temporary order for protection against harassment in the workplace which is the basis of the application has been dissolved or has expired.

7. At the hearing on an application filed pursuant to subsection 6, the employer must present evidence sufficient to support the granting of the application for an extended order for protection against harassment in the workplace. At the hearing, the court may:

(a) Dissolve or modify the temporary order for protection against harassment in the workplace; or

(b) Grant an extended order for protection against harassment in the workplace.

8. If granted, an extended order for protection against harassment in the workplace expires within such time, not to exceed 1 year, as the court fixes.

9. Upon 2 days' notice to an employer who obtained a temporary order for protection against harassment in the workplace without notice or on such shorter notice to the employer as the court may prescribe, the person who allegedly committed the harassment may appear and move the dissolution or modification of the temporary order for protection against harassment in the workplace. Upon the filing of such a motion, the court shall proceed to hear and determine the motion as expeditiously as the ends of justice require. At the hearing, the court may dissolve, modify or extend the order.

10. The court may award costs and reasonable attorney's fees to the prevailing party in a matter brought pursuant to this section.

11. If a court issues an extended order for protection against harassment in the workplace, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

Sec. 9. 1. A temporary or extended order for protection against harassment in the workplace may:

(a) Enjoin the person who allegedly committed the harassment from contacting the employer, an employee of the employer while the employee is performing his duties of employment and any person while the person is present at the workplace of the employer;

(b) Order the person who allegedly committed the harassment to stay away from the workplace of the employer; and

(c) Order such other relief as the court deems necessary to protect the employer, the workplace of the employer, the employees of the employer while performing their duties of employment and any other persons who are present at the workplace.

2. A court may not issue a temporary or extended order for protection against harassment in the workplace that is against more than one person.

3. A temporary or extended order for protection against harassment in the workplace must:

(a) Specify, as applicable, the county and city, if any, in which the workplace of the employer is located and in which the employees of the employer perform their duties of employment;

(b) Include a provision ordering any law enforcement officer to arrest the person who allegedly committed the harassment, with or without a warrant, if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order;

(c) State the reasons for granting the order; and

(d) Include the following statement:

WARNING

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an order for protection against harassment in the workplace and any other crime that you may have committed in disobeying this order.

4. In addition to the requirements of subsection 3, if the court granted a temporary order for protection against harassment in the workplace without notice, the order must:

(a) Include a statement that the person who allegedly committed the harassment is entitled to a hearing on the order pursuant to section 8 of this act;

(b) Include the name and address of the court in which the petition for a hearing may be filed;

(c) Contain the date and hour of issuance;

(d) Be immediately filed with the clerk of the court;

(e) Define the irreparable injury, loss or damage resulting from the harassment and state why it is irreparable; and

(f) Set forth the reasons for granting the order without notice.”.

Amend sec. 10, page 4, line 9, by deleting “An” and inserting: “A temporary or extended”.

Amend sec. 11, page 4, line 14, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 11, page 4, line 26, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 11, page 4, line 29, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 12, page 4, line 39, by deleting “received” and inserting: “been served with”.

Amend sec. 13, page 4, line 49, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 13, page 5, line 4, by deleting “An” and inserting: “A temporary or extended”.

Amend sec. 14, page 5, by deleting line 9 and inserting:

“Sec. 14. 1. A court, a law enforcement officer or any other person who”.

Amend sec. 14, page 5, line 10, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 14, page 5, line 12, by deleting: “on that belief.” and inserting: “upon that belief.”

2. A court, a law enforcement officer or any other person who refuses to enforce a temporary or extended order for protection against harassment in the workplace based upon a reasonable belief that the order is not valid is immune from civil and criminal liability for any action taken or not taken based upon that belief.

3. The employer of a law enforcement officer who enforces a temporary or extended order for protection against harassment in the workplace based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid is immune from civil and criminal liability for any action taken or not taken by the law enforcement officer based upon that belief.”.

Amend sec. 16, page 5, line 16, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 16, page 5, by deleting lines 18 and 19 and inserting: “harassment that the employer intends to seek such an order.”.

Amend sec. 17, page 5, line 21, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 17, page 5, line 23, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 17, page 5, line 24, by deleting “workplace.” and inserting: “workplace, if the employer acts in good faith in failing to seek the order.”.

Amend sec. 19, page 5, line 39, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 19, page 6, line 9, by deleting “an” and inserting: “a temporary or extended”.

Amend sec. 21, page 7, line 38, by deleting “of an” and inserting: “of a temporary or extended”.

Amend the title of the bill to read as follows:

“AN ACT relating to injunctions; authorizing employers to obtain temporary and extended orders for protection against harassment in the workplace to protect employers, employees and persons at the workplace from harassment by other persons; establishing the procedures for obtaining such orders; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes employers to obtain temporary and extended orders for protection against harassment in workplace and establishes procedures for obtaining such orders. (BDR 3-720)”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 370.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 133.

The following Senate amendment was read:

Amendment No. 1044.

Amend sec. 5, page 2, by deleting lines 7 through 11 and inserting: “*each residence or appurtenance to the extent known.*”.

Amend sec. 5, page 2, between lines 34 and 35, by inserting:

“5. *An alleged constructional defect which is discovered after an action pursuant to NRS 40.600 to 40.695, inclusive, and sections 2 to 11, inclusive, of this act, has been commenced may not be alleged in an amended pleading until the contractor, subcontractor, supplier or design professional who performed the original construction which is alleged to be a constructional defect has been given:*

(a) *Written notice in the manner required by this section; and*

(b) *A reasonable opportunity to repair the alleged constructional defect in the manner provided in section 6 of this act.*

6. *A court shall dismiss an action commenced against a contractor, subcontractor, supplier or design professional by a claimant who has failed to comply with the requirements of this section.*”.

Amend sec. 6, page 3, by deleting line 25 and inserting: “*pursuant to subsection 1. A court shall dismiss an action commenced against a contractor, subcontractor, supplier or design professional by a claimant who has failed to comply with the requirements of this subsection.*”.

Amend sec. 6, page 3, line 34, by deleting: “*repairs is not*” and inserting “*repairs is*”.

Amend sec. 7, page 4, line 4, after “*act*” by inserting: “*or who received notice pursuant to subsection 4*”.

Amend sec. 7, page 4, line 13, by deleting “*The*” and inserting: “*Except as otherwise provided in subsection 4, the*”.

Amend sec. 7, page 4, between lines 18 and 19, by inserting:

“4. *If, after the expiration of the time set forth for a contractor to provide a notice to a subcontractor, supplier or design professional pursuant to section 5 of this act, a contractor identifies a subcontractor, supplier or design professional who the contractor was not, after a good faith effort, previously able to identify and who may be responsible for a constructional defect alleged by the claimant, the contractor shall, before commencing an action against such a subcontractor, supplier or design professional:*

(a) Provide notice to the subcontractor, supplier or design professional in the manner provided in subsection 2 of section 5 of this act; and

(b) Allow a reasonable opportunity for the subcontractor, supplier or design professional to make repairs to the alleged constructional defect.

5. Subject to the provisions of subsection 2, the claimant shall allow a subcontractor, supplier or design professional notified pursuant to subsection 4 a reasonable opportunity to make repairs.

6. A court shall dismiss an action commenced against a subcontractor, supplier or design professional by a contractor who has failed to comply with the requirements of subsection 4.”

Amend sec. 8, page 4, line 21, after “5” by inserting “or 7”.

Amend sec. 9, page 4, by deleting lines 45 through 47.

Amend sec. 9, page 4, line 48, by deleting “3.” and inserting “2.”.

Amend sec. 10, page 6, by deleting lines 11 through 15 and inserting:

“6. As used in this section, “expert” means a person who is licensed in a state to engage in the practice of professional engineering, land surveying, architecture or landscape architecture.”.

Amend sec. 18, page 11, by deleting lines 37 and 38 and inserting:

“40.692 ~~[[4]]~~ Except as otherwise provided in sections 5 and 7 of this act, if after complying with the procedural requirements of sections 5 and 7 of this act and NRS 40.645 and 40.680, or NRS 40.682, a claimant”.

Amend sec. 18, page 11, line 42, by deleting “section 5” and inserting: “sections 5 and 7”.

Amend sec. 21, page 12, lines 36 and 37, by deleting: “a new section to read as follows:” and inserting: “the provisions set forth as sections 22 to 25, inclusive, of this act.”.

Amend sec. 21, page 12, line 38, before “1.” by inserting:

“Sec. 22.”.

Amend the bill as a whole by renumbering sections 22 through 25 as sections 26 through 29 and adding new sections designated sections 23 through 25, following sec. 21, to read as follows:

“Sec. 23. 1. An association may bring an action to recover damages resulting from constructional defects in any of the units, common elements or limited common elements of the common-interest community, or submit such a claim to mediation pursuant to NRS 40.680, only:

(a) If the association first obtains the written approval of each unit’s owner whose unit or interest in the common elements or limited common elements will be the subject of the action or claim;

(b) Upon a vote of the units’ owners to which at least a majority of the votes of the members of the association are allocated; and

(c) Upon a vote of the executive board of the association.

2. If an action is brought by an association to recover damages resulting from constructional defects in any of the units, common elements or limited common elements of the common-interest community, or such a claim is submitted to mediation pursuant to NRS 40.680, the attorney representing

the association shall provide to the executive board of the association and to each unit's owner a statement that includes, in reasonable detail:

(a) The defects and damages or injuries to the units, common elements or limited common elements;

(b) The cause of the defects, if the cause is known;

(c) The nature and the extent that is known of the damage or injury resulting from the defects;

(d) The location of each defect within the units, common elements or limited common elements, if known;

(e) A reasonable estimate of the cost of the action or mediation, including reasonable attorney's fees;

(f) An explanation of the potential benefits of the action or mediation and the potential adverse consequences if the association does not commence the action or submit the claim to mediation or if the outcome is not favorable to the association; and

(g) All disclosures that are required to be made upon the sale of the property.

3. An association or an attorney for an association shall not employ a person to perform destructive tests to determine any damage or injury to a unit, common element or limited common element caused by a constructional defect unless:

(a) The person is licensed as a contractor pursuant to chapter 624 of NRS;

(b) The association has obtained the prior written approval of each unit's owner whose unit or interest in the common element or limited common element will be affected by such testing;

(c) The person has provided a written schedule for repairs;

(d) The person is required to repair all damage resulting from such tests in accordance with state laws and local ordinances relating thereto; and

(e) The association or the person so employed obtains all permits required to conduct such tests and to repair any damage resulting from such tests.

4. As used in this section, "constructional defect" has the meaning ascribed to it in NRS 40.615.

Sec. 24. 1. Except as otherwise provided in subsection 2 and section 23 of this act, an association may commence a civil action only upon a vote or written agreement of the owners of the units to which at least a majority of the votes of the members of the association are allocated. In such a case, the association shall provide written notice to the owner of each unit of the meeting at which the commencement of a civil action is to be considered or action is to be taken within 21 calendar days before the meeting.

2. The provisions of subsection 1 do not apply to a civil action that is commenced:

(a) By an association for a time-share project governed by the provisions of chapter 119A of NRS;

(b) To enforce the payment of an assessment;

- (c) To enforce the declaration, bylaws or rules of the association;
- (d) To proceed with a counterclaim; or
- (e) To enforce or rescind a contract to which the association is a party.

Sec. 25. 1. Notwithstanding any other provision of this chapter, the executive board of an association may, without giving notice to the units' owners, employ a contractor licensed pursuant to the provisions of chapter 624 of NRS and such other persons as are necessary to make such repairs to a unit or common element within the common-interest community as are required to protect the health, safety and welfare of the units' owners.

2. If the governing documents of the association require such action to be taken at a meeting of the executive board of the association, the executive board shall, within 90 days after employing any person pursuant to subsection 1, provide written notice to the units' owners of its action and include the action on the agenda of its next regularly scheduled meeting.”.

Amend sec. 22, page 13, by deleting line 25 and inserting:
“NRS 116.3101 to 116.3119, inclusive, and section 14 of Assembly Bill No. 621 of this session and sections 22 to 25, inclusive, of this act and”.

Amend sec. 23, page 14, line 9, by deleting “21” and inserting “22”.

Amend sec. 24, pages 15 and 16, by deleting lines 28 through 49 on page 15 and lines 1 through 18 on page 16, and inserting:

“unit of a meeting at which an assessment for a capital improvement ~~for the commencement of a civil action~~ is to be considered or action is to be taken on such an assessment at least 21 calendar days before the meeting. ~~Except as otherwise provided in this subsection, the association may commence a civil action only upon a vote or written agreement of the owners of units to which at least a majority of the votes of the members of the association are allocated. The provisions of this subsection do not apply to a civil action that is commenced:~~

~~(a) By an association for a time share project governed by the provisions of chapter 119A of NRS;~~

~~(b) To enforce the payment of an assessment;~~

~~(c) To enforce the declaration, bylaws or rules of the association;~~

~~(d) To proceed with a counterclaim; or~~

~~(e) To protect the health, safety and welfare of the members of the association. If a civil action is commenced pursuant to this paragraph without the required vote or agreement, the action must be ratified within 90 days after the commencement of the action by a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated. If the association, after making a good faith effort, cannot obtain the required vote or agreement to commence or ratify such a civil action, the association may thereafter seek to dismiss the action without prejudice for that reason only if a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated was obtained at the time the approval to commence or ratify the action was sought.~~

~~10. At least 10 days before an association commences or seeks to ratify the commencement of a civil action, the association shall provide a written statement to all units' owners that includes:~~

~~(a) A reasonable estimate of the costs of the civil action, including reasonable attorney's fees;~~

~~(b) An explanation of the potential benefits of the civil action and the potential adverse consequences if the association does not commence the action or if the outcome of the action is not favorable to the association; and~~

~~(c) All disclosures that are required to be made upon the sale of the property.~~

~~11. No person other than a unit's owner may request the dismissal of a civil action commenced by the association on the ground that the association failed to comply with any provision of this section.}”.~~

Amend sec. 25, page 16, line 30, by deleting “21” and inserting “22”.

Amend the bill as a whole by renumbering sec. 26 as sec. 34 and adding new sections designated sections 30 through 33, following sec. 25, to read as follows:

“Sec. 30. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 and 32 of this act.

Sec. 31. 1. *Except as otherwise provided in this subsection, the governing body of each city and county shall not accept an application for a building permit for a project that includes the construction of new footings or a new foundation for a structure or that requires excavation or embankment of more than 5,000 cubic yards of earth, unless the application is submitted with a geotechnical report. The governing body may waive the requirement of the geotechnical report for any project other than a project involving a residential dwelling unit.*

2. *The geotechnical report required pursuant to subsection 1 must include:*

(a) Information concerning the soil and geology of the site where the project will be carried out;

(b) Information concerning the ground water on the site where the project will be carried out and the potential that the ground water may adversely affect the foundation of the project;

(c) A written statement from the architect, civil engineer or structural engineer who was responsible for the design of the project verifying that the design of the project is compatible with the geotechnical conditions described in paragraphs (a) and (b);

(d) A written statement from a geotechnical engineer who has reviewed the plans for the grading and foundation of the project verifying that the project is geotechnically in compliance with the geotechnical conditions of the site as described in paragraphs (a) and (b); and

(e) Any other information required by the governing body.

3. *The governing body of each city and county shall require by ordinance the submission of a final report concerning grading of the property, the*

elevation of the finished floor and the drainage on the property for each construction project for which a geotechnical report is required pursuant to subsection 1.

4. The ordinance adopted pursuant to subsection 3 must require:

(a) The final report concerning grading of the property to include certification that the grading and the excavating or embanking work complies with the requirements set forth in the geotechnical report completed pursuant to subsection 1 and any supplements or addenda to the report;

(b) The final report concerning the elevation of the finished floor to include certification that the lowest elevation of the finished floor of the project that is habitable complies with the plans for the project that were approved by the governing body; and

(c) The final report concerning the drainage on the property to include:

(1) A statement that the conditions of the drainage system on the site of the project at the completion of the project complies with the plan for drainage or the plan for the plot and grading that was approved by the governing body; and

(2) If the plans for the project that were approved by the governing body required a drainage system or facilities, structures or devices for drainage that were designed by an engineer, verification from a civil engineer that the drainage system and any facilities, structures or devices for drainage were installed and constructed in compliance with those plans. Devices for drainage include, without limitation, detention of drainage on the site, drainage from one lot to another lot and devices for conveying drainage.

5. The governing body of each city and county shall adopt an ordinance that requires a developer to provide a person who purchases a completed construction project described in subsection 1 with a written report concerning the applicable building codes and regulations and any recommendations of a geotechnical engineer and a civil engineer concerning the use of the project. The ordinance must provide that this report is part of the sales documents that must be acknowledged by the buyer.

6. As used in this section, “residential dwelling unit” has the meaning ascribed to it in NRS 278.4977.

Sec. 32. The governing body of each city and county shall adopt ordinances to ensure the prevention and mitigation of harm to a building or structure caused by water that is standing under the building or structure.

Sec. 33. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 31 and 32 of this act, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.”

Amend sec. 26, page 16, line 35, by deleting: “October 1, 2001.” and inserting: “the effective date of this act.”

Amend the bill as a whole by adding a new section designated sec. 35, following sec. 26, to read as follows:

“Sec. 35. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to real property; requiring a claimant to provide notice concerning constructional defects to a contractor and allow the contractor to make repairs before commencing an action against the contractor; requiring a contractor to provide notice concerning constructional defects to a subcontractor, supplier or design professional and allow the subcontractor, supplier or design professional to make repairs before commencing an action against the subcontractor, supplier or design professional; requiring an affidavit in support of an action for professional negligence against a design professional; imposing certain restrictions to prevent property managers from being encouraged to file a claim for a constructional defect; requiring a contractor to provide certain information to the initial purchaser of a residence; revising the provisions governing commencement of certain civil actions by the association of a common-interest community; requiring the governing body of each city and county to require a geotechnical report as a condition to obtaining a building permit and additional information concerning a completed project; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 133.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 539, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and re-refer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 516 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 421 re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Williams moved that Senate Bill No. 401 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

NOTICE OF EXEMPTION

May 28, 2001

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 531.

MARK STEVENS
Fiscal Analysis Division

Assemblywoman Buckley moved that Senate Bill No. 539 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 357 just returned from the printer, be placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 216 just returned from the printer, be placed on the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 567 be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 539.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1110.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 24, following the enacting clause, to read as follows:

“Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Household income" has the meaning ascribed to it in NRS 361.820.*

Sec. 4. *"Income" has the meaning ascribed to it in NRS 361.823.*

Sec. 5. *"Senior citizen" means a person who is domiciled in this state and is 62 years of age or older.*

Sec. 6. *The department is responsible for the administration of the provisions of sections 2 to 10, inclusive, of this act and may:*

1. *Prescribe the content and form of a request for a subsidy required to be submitted pursuant to section 9 of this act.*

2. *Designate the proof that must be submitted with such a request.*

3. *Adopt regulations to protect the confidentiality of information supplied by a senior citizen requesting a subsidy pursuant to section 9 of this act.*

4. *Adopt such other regulations as may be required to carry out the provisions of sections 2 to 10, inclusive, of this act.*

Sec. 7. *The department of human resources shall, in cooperation with the department of taxation and the various counties in this state:*

1. *Combine all possible administrative procedures required for determining those persons who are eligible for assistance pursuant to NRS 361.800 to 361.877, inclusive, and sections 2 to 10, inclusive, of this act;*

2. *Coordinate the collection of information required to carry out those provisions in a manner that requires persons requesting assistance to furnish information in as few reports as possible; and*

3. *Design forms that may be used jointly by the department of human resources, the department of taxation and the various counties in this state to carry out the provisions of NRS 361.800 to 361.877, inclusive, and sections 2 to 10, inclusive, of this act.*

Sec. 8. 1. *The department shall, within the limits of the money available for this purpose in the fund for a healthy Nevada, develop and carry out a program for senior citizens to provide prescription drugs and pharmaceutical services to them at a subsidized cost whereby the state will pay the difference between the copayment required by the program and the actual cost of the drug from the pharmacist. The department shall refer to this program as the "Senior Option Program" and cause it to be marketed under that name.*

2. *Within the limits of the money available for this purpose in the fund for a healthy Nevada, a senior citizen who:*

(a) *Is not eligible for Medicaid; and*

(b) *Is accepted into the program that is made available pursuant to subsection 1,*

is entitled to an annual grant from the trust fund to subsidize a portion of the cost of his prescription drugs and pharmaceutical services if he has been domiciled in this state for at least 1 year immediately preceding the date of his application and his household income is less than \$21,500.

3. The department may pay its costs for administering this program from the fund for a healthy Nevada and shall include as components of the subsidized program:

(a) A maximum annual application fee of \$25.

(b) A requirement that a generic drug be used to fill the prescription, unless the substitution of a generic drug for a drug with a brand name is specifically prohibited by the provider of health care who issued the prescription.

(c) A maximum required copayment for generic drugs of \$10 per prescription.

(d) A maximum required copayment for nongeneric drugs of \$25 per prescription.

(e) The formulary for the program must be the same formulary as is used for the state plan for Medicaid.

(f) The maximum limitation per year on the subsidy each person may receive under this program is \$5,000.

(g) Allow persons who are participating in the program to fill their prescriptions by mail.

(h) A maximum of \$100 as the amount of deductible expenses that may be required of participants before they are eligible to receive benefits under this program.

(i) The rebates from pharmaceutical manufacturers for drugs purchased through this program must be at least equal to the rebates provided for drugs purchased pursuant to the state plan for Medicaid and must be deposited in the fund for a healthy Nevada to support this program.

(j) A pharmacy benefits manager may be hired by contract to assist in the development and administration of this program, if deemed advisable and fiscally prudent by the department.

(k) The rates negotiated by the department or its representative for the prescription drugs sold by the pharmacies that agree to participate in this program must not be more than the rates charged to the department under the state plan for Medicaid, if not the best and lowest prices available from the pharmacy to any customer.

4. If the Federal Government provides any coverage of prescription drugs and pharmaceutical services for senior citizens who are eligible for a subsidy pursuant to subsections 1, 2 and 3, the department may, upon approval of the legislature, or the interim finance committee if the legislature is not in session, change any program established pursuant to sections 2 to 10, inclusive, of this act and otherwise provide assistance with prescription drugs and pharmaceutical services for senior citizens within the limits of the money available for this purpose in the fund for a healthy Nevada.

5. The provisions of subsections 1, 2 and 3 do not apply if the department provides assistance with prescription drugs and pharmaceutical services for senior citizens pursuant to subsection 4.

6. *The department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant if the circumstances of the applicant's household have changed as a result of:*

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship based on a significant reduction of income, when considering the applicant's current financial circumstances.

An applicant who requests such a waiver shall include with that request all medical and financial documents that support his request.

Sec. 9. 1. *A senior citizen who wishes to receive a subsidy pursuant to sections 2 to 10, inclusive, of this act must file a request therefor with the department.*

2. *The request must be made under oath and filed in such form and content, and accompanied by such proof, as the department may prescribe.*

3. *The department shall, within 45 days after receiving a request for a subsidy, examine the request and grant or deny it.*

4. *The department shall determine which senior citizens are eligible to receive a subsidy pursuant to sections 2 to 10, inclusive, of this act and pay the subsidy in the manner set forth in the program.*

Sec. 10. 1. *The department shall deny any request for a subsidy received pursuant to sections 2 to 10, inclusive, of this act to which the senior citizen is not entitled.*

2. *The department may deny in total any request which it finds to have been filed with fraudulent intent. If any such request has been paid and is afterward denied, the amount of the subsidy must be repaid by the senior citizen to the department.*

3. *Any amounts received by the department pursuant to this section must be deposited with the state treasurer for credit to the fund for a healthy Nevada for credit to this program.*

Sec. 11. NRS 439.620 is hereby amended to read as follows:

439.620 1. *The fund for a healthy Nevada is hereby created in the state treasury. The state treasurer shall deposit in the fund:*

(a) Fifty percent of all money received by this state pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this state from a judgment in a civil action against a manufacturer of tobacco products.

2. *The state treasurer shall administer the fund. As administrator of the fund, the state treasurer:*

(a) Shall maintain the financial records of the fund;

(b) Shall invest the money in the fund as the money in other state funds is invested;

(c) Shall manage any account associated with the fund;

(d) Shall maintain any instruments that evidence investments made with the money in the fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the fund.

3. The interest and income earned on the money in the fund must, after deducting any applicable charges, be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.

4. *Upon receiving a request from the state treasurer or the department for an allocation for administrative expenses from the fund pursuant to this section, the task force shall consider the request within 45 days after receipt of the request. If the task force approves the amount requested for allocation, the task force shall notify the state treasurer of the allocation. If the task force does not approve the requested allocation within 45 days after receipt of the request, the state treasurer or the department, as applicable, may submit its request for allocation to the interim finance committee. Except as otherwise limited by this subsection, the interim finance committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the fund, whether allocated by the task force or the interim finance committee must not exceed:*

(a) Not more than 2 percent of the money in the fund ~~[may be used]~~, as calculated pursuant to this subsection, each year to pay the costs ~~[of administering]~~ incurred by the state treasurer to administer the fund ~~[]~~; and

(b) Not more than 3 percent of the money in the fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the department, including, without limitation, the aging services division of the department, to carry out its duties set forth in NRS 439.625 to 439.690, inclusive.

For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the state treasurer to be deposited in the fund during that fiscal year.

5. The money in the fund remains in the fund and does not revert to the state general fund at the end of any fiscal year.

6. All money that is deposited or paid into the fund is hereby appropriated to the department and, except as otherwise provided in paragraphs (c) and (d) of subsection 1 of NRS 439.630, may only be expended pursuant to an allocation made by the task force for the fund for a healthy Nevada. Money expended from the fund for a healthy Nevada must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 12. NRS 439.620 is hereby amended to read as follows:

439.620 1. The fund for a healthy Nevada is hereby created in the state treasury. The state treasurer shall deposit in the fund:

(a) Fifty percent of all money received by this state pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this state from a judgment in a civil action against a manufacturer of tobacco products.

2. The state treasurer shall administer the fund. As administrator of the fund, the state treasurer:

(a) Shall maintain the financial records of the fund;

(b) Shall invest the money in the fund as the money in other state funds is invested;

(c) Shall manage any account associated with the fund;

(d) Shall maintain any instruments that evidence investments made with the money in the fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the fund.

3. The interest and income earned on the money in the fund must, after deducting any applicable charges, be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.

4. Upon receiving a request from the state treasurer or the department for an allocation for administrative expenses from the fund pursuant to this section, the task force shall consider the request within 45 days after receipt of the request. If the task force approves the amount requested for allocation, the task force shall notify the state treasurer of the allocation. If the task force does not approve the requested allocation within 45 days after receipt of the request, the state treasurer or the department, as applicable, may submit its request for allocation to the interim finance committee. Except as otherwise limited by this subsection, the interim finance committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the fund, whether allocated by the task force or the interim finance committee must not exceed:

(a) Not more than 2 percent of the money in the fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the state treasurer to administer the fund; and

(b) Not more than 3 percent of the money in the fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the department, including, without limitation, the aging services division of the department, to carry out its duties set forth in NRS 439.625 ~~to 439.690, inclusive,~~, 439.630, and sections 2 to 10, inclusive, of this act.

For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the state treasurer to be deposited in the fund during that fiscal year.

5. The money in the fund remains in the fund and does not revert to the state general fund at the end of any fiscal year.

6. All money that is deposited or paid into the fund is hereby appropriated to the department and, except as otherwise provided in paragraphs (c) and (d) of subsection 1 of NRS 439.630, may only be expended pursuant to an allocation made by the task force for the fund for a healthy Nevada. Money expended from the fund for a healthy Nevada must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 13. NRS 439.625 is hereby amended to read as follows:

439.625 1. The task force for the fund for a healthy Nevada is hereby created. The membership of the task force consists of:

(a) Three members appointed by the majority leader of the senate, one of whom must be a senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this state; ~~and~~

(b) Three members appointed by the speaker of the assembly, one of whom must be an assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this state; and

(c) Three members appointed by the governor, one of whom must have experience with and knowledge of matters relating to health care.

Each member appointed pursuant to this subsection must be a resident of this state and must not be employed in the executive or judicial branch of state government.

~~{2}~~ Each person who appoints members pursuant to *this* subsection ~~{1}~~ shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this state.

2. *At its first meeting on or after July 1 of each odd-numbered year, the task force shall select the chairman and vice chairman of the task force from among the legislative members of the task force. Each such officer shall hold office for a term of 2 years or until his successor is selected. The chairmanship of the task force must alternate each biennium between the houses of the legislature.*

3. For each day or portion of a day during which a member of the task force who is a legislator attends a meeting of the task force or is otherwise engaged in the work of the task force, except during a regular or special session of the legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the task force must be paid from the legislative fund.

4. Members of the task force who are not legislators serve without salary, except that they are entitled to receive travel expenses provided for state officers and employees generally. The travel expenses of:

(a) A member of the task force who is an officer or employee of a local government thereof must be paid by the local government that employs him.

(b) Each remaining member of the task force must be paid from the legislative fund.

5. Each member of the task force who is an officer or employee of a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the task force in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the task force to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the task force; or

(b) Take annual leave or compensatory time for the absence.

6. The *legislative counsel bureau and the* department shall provide such administrative support to the task force as is required to carry out the duties of the task force. The state health officer shall provide such technical advice and assistance to the task force as is requested by the task force.

Sec. 14. NRS 439.630 is hereby amended to read as follows:

439.630 1. The task force for the fund for a healthy Nevada shall:

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this state.

(b) Establish a process to evaluate the health and health needs of the residents of this state and a system to rank the health problems of the residents of this state, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the fund for a healthy Nevada each year for direct expenditure by the department to pay for prescription drugs and pharmaceutical services for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. *From the money reserved to the department pursuant to this paragraph, the department shall subsidize all of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive. The department shall consider recommendations from the task force for the fund for a healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The department shall submit a quarterly report to the governor, the task force for the fund for a healthy Nevada and the interim finance committee regarding*

the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent of all revenues deposited in the fund for a healthy Nevada each year for allocation by the aging services division of the department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

- (1) Respite care or relief of family caretakers;
- (2) Transportation to new or existing services to assist senior citizens in living independently; and
- (3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

The aging services division of the department shall consider recommendations from the task force for the fund for a healthy Nevada concerning the independent living needs of senior citizens.

(e) Allocate for expenditure not more than 20 percent of all revenues deposited in the fund for a healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

(f) Allocate for expenditure not more than 20 percent of all revenues deposited in the fund ~~{each year}~~ for a healthy Nevada *each year* for programs that improve health services for children and ~~{for}~~ *the health and well-being of persons with disabilities.*

(g) Maximize expenditures through local, federal and private matching contributions.

(h) Ensure that any money expended from the fund for a healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

(i) Develop policies and procedures for the administration and distribution of grants and other expenditures to *state agencies, political subdivisions of this state*, nonprofit organizations, universities and community colleges. A condition of any such grant must be that not more than 8 percent of the grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals ~~{}~~ *per fiscal year.*

(j) To make the allocations required by paragraphs (e) and (f) : ~~{of subsection 1:}~~

- (1) Prioritize and quantify the needs for these programs;
 - (2) Develop, solicit and accept grant applications for allocations;
 - (3) Conduct annual evaluations of programs to which allocations have been awarded; and
 - (4) Submit annual reports concerning the programs to the governor and the interim finance committee.
- (k) Transmit a report of all findings, recommendations and expenditures to the governor and each regular session of the legislature.

2. The task force may take such other actions as are necessary to carry out its duties.

3. The department shall take all actions necessary to ensure that all allocations for expenditures made by the task force are carried out as directed by the task force.

4. To make the allocations required by paragraph (d) of subsection 1, the aging services division of the department shall:

- (a) Prioritize and quantify the needs of senior citizens for these programs;
- (b) Develop, solicit and accept grant applications for allocations;
- (c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the interim finance committee;
- (d) Award grants or other allocations;
- (e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the grant program to the governor and the interim finance committee.

5. The aging services division of the department shall submit each proposed grant which would be used to expand or augment an existing state program to the interim finance committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. *The aging services division of the department shall not expend or transfer any money allocated to the aging services division pursuant to this section to subsidize any portion of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive.*

6. The department, on behalf of the task force, shall submit each allocation proposed pursuant to paragraph (e) or (f) of subsection 1 which would be used to expand or augment an existing state program to the interim finance committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.

Sec. 15. NRS 439.630 is hereby amended to read as follows:

439.630 1. The task force for the fund for a healthy Nevada shall:

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

- (1) Promote public health;
- (2) Improve health services for children, senior citizens and persons with disabilities;
- (3) Reduce or prevent the use of tobacco;
- (4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and
- (5) Offer other general or specific information on health care in this state.

(b) Establish a process to evaluate the health and health needs of the residents of this state and a system to rank the health problems of the residents of this state, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the fund for a healthy Nevada each year for direct expenditure by the department to pay for prescription drugs and pharmaceutical services for senior citizens pursuant to ~~[NRS 439.635 to 439.690, inclusive.]~~ *sections 2 to 10, inclusive, of this act*. From the money reserved to the department pursuant to this paragraph, the department shall subsidize all of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to ~~[NRS 439.635 to 439.690, inclusive.]~~ *sections 2 to 10, inclusive, of this act*. The department shall consider recommendations from the task force for the fund for a healthy Nevada in carrying out the provisions of ~~[NRS 439.635 to 439.690, inclusive.]~~ *sections 2 to 10, inclusive, of this act*. The department shall submit a quarterly report to the governor, the task force for the fund for a healthy Nevada and the interim finance committee regarding the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent of all revenues deposited in the fund for a healthy Nevada each year for allocation by the aging services division of the department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of family caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

The aging services division of the department shall consider recommendations from the task force for the fund for a healthy Nevada concerning the independent living needs of senior citizens.

(e) Allocate for expenditure not more than 20 percent of all revenues deposited in the fund for a healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

(f) Allocate for expenditure not more than 20 percent of all revenues deposited in the fund for a healthy Nevada each year for programs that improve health services for children and the health and well-being of persons with disabilities.

(g) Maximize expenditures through local, federal and private matching contributions.

(h) Ensure that any money expended from the fund for a healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

(i) Develop policies and procedures for the administration and distribution of grants and other expenditures to state agencies, political subdivisions of this state, nonprofit organizations, universities and community colleges. A condition of any such grant must be that not more than 8 percent of the grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per fiscal year.

(j) To make the allocations required by paragraphs (e) and (f):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept grant applications for allocations;

(3) Conduct annual evaluations of programs to which allocations have been awarded; and

(4) Submit annual reports concerning the programs to the governor and the interim finance committee.

(k) Transmit a report of all findings, recommendations and expenditures to the governor and each regular session of the legislature.

2. The task force may take such other actions as are necessary to carry out its duties.

3. The department shall take all actions necessary to ensure that all allocations for expenditures made by the task force are carried out as directed by the task force.

4. To make the allocations required by paragraph (d) of subsection 1, the aging services division of the department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the interim finance committee;

(d) Award grants or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the grant program to the governor and the interim finance committee.

5. The aging services division of the department shall submit each proposed grant which would be used to expand or augment an existing state program to the interim finance committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The aging services division of the department shall not expend or transfer any money allocated to the aging services division pursuant to this section to subsidize any portion of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and

pharmaceutical services pursuant to ~~[NRS 439.635 to 439.690, inclusive,]~~ sections 2 to 10, inclusive, of this act.

6. The department, on behalf of the task force, shall submit each allocation proposed pursuant to paragraph (e) or (f) of subsection 1 which would be used to expand or augment an existing state program to the interim finance committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.

Sec. 16. NRS 439.665 is hereby amended to read as follows:

439.665 1. The department shall enter into contracts with private insurers who transact health insurance in this state to arrange for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services.

2. Within the limits of the money available for this purpose in the fund for a healthy Nevada, a senior citizen who is not eligible for Medicaid and who purchases a policy of health insurance that is made available pursuant to subsection 1 is entitled to an annual grant from the trust fund to subsidize ~~the~~ portion of the cost of that insurance, including premiums and deductibles, if he has been domiciled in this state for at least 1 year immediately preceding the date of his application and his household income is ~~within one of the income ranges for which grants are provided pursuant to this subsection to the extent determined by the percentage shown opposite his household income on the following schedule:~~

Percent of			
Amount of Household	Cost of Insurance Allowable		
Income Is Over	But Not Over	as a Subsidy	
\$0	\$12,700	90	
12,700	14,800	80	
14,800	17,000	50	
17,000	19,100	25	
19,100	21,500	10	not over \$21,500.

3. The ~~amount of any~~ subsidy granted pursuant to this section must not exceed the annual cost of insurance that provides coverage for prescription drugs and pharmaceutical services ~~for \$480 per year, whichever is less,~~ including premiums and deductibles.

4. A policy of health insurance that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than \$10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer; and

(b) A copayment of not more than \$25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer.

5. *The department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant if the circumstances of the applicant's household have changed as a result of:*

(a) *Illness;*

(b) *Disability; or*

(c) *Extreme financial hardship based on a significant reduction of income, when considering the applicant's current financial circumstances.*

An applicant who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. *If the Federal Government provides any coverage of prescription drugs and pharmaceutical services for senior citizens who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the department may, upon approval of the legislature, or the interim finance committee if the legislature is not in session, change any program established pursuant to NRS 439.635 to 439.690, inclusive, and otherwise provide assistance with prescription drugs and pharmaceutical services for senior citizens within the limits of the money available for this purpose in the fund for a healthy Nevada.*

7. *The provisions of subsections 1 to 5, inclusive, do not apply if the department provides assistance with prescription drugs and pharmaceutical services for senior citizens pursuant to subsection 6.*

Sec. 17. NRS 439.670 is hereby amended to read as follows:

439.670 1. A senior citizen who wishes to receive a subsidy pursuant to NRS 439.665 must file a request therefor with the department.

2. The request must be made under oath and filed in such form and content, and accompanied by such proof, as the department may prescribe.

3. The department shall, within 45 days after receiving a request for a subsidy, examine the request ~~[] and grant or deny it . [] and if granted, shall determine the amount of the subsidy to which the senior citizen is entitled.]~~

4. The department shall determine which senior citizens are eligible to receive a subsidy pursuant to NRS 439.665 and pay the subsidy directly to an insurer with whom the department has entered into a contract pursuant to NRS 439.665.

Sec. 18. NRS 439.675 is hereby amended to read as follows:

439.675 1. The department shall deny any request for a subsidy received pursuant to NRS 439.670 to which the senior citizen is not ~~[entitled or any amount in excess of that to which the senior citizen is]~~ entitled.

2. The department may deny in total any request which it finds to have been filed with fraudulent intent. If any such request has been paid and is afterward denied, the amount of the subsidy must be repaid by the senior citizen to the department.

3. Any amounts received by the department pursuant to this section must be deposited with the state treasurer for credit to the fund for a healthy Nevada.

Sec. 19. NRS 218.6827 is hereby amended to read as follows:

218.6827 1. Except as otherwise provided in subsections 2 and 3, the interim finance committee may exercise the powers conferred upon it by law only when the legislature is not in regular or special session.

2. During a regular session, the interim finance committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, subsection 6 of NRS 445B.830 and NRS 538.650. In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

3. During a regular or special session, the interim finance committee may exercise the powers and duties conferred upon it pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive.

4. If the interim finance committee determines that a fundamental review of the base budget of a state agency is necessary, it shall, by resolution, notify the legislative commission of that finding for assignment of the review to a legislative committee for the fundamental review of the base budgets of state agencies established pursuant to NRS 218.5382.

Sec. 20. NRS 439.635, 439.640, 439.645, 439.650, 439.655, 439.660, 439.665, 439.670, 439.675, 439.680, 439.685 and 439.690 are hereby repealed.

Sec. 21. 1. The department of human resources shall:

(a) Periodically review the formulary that is covered by a policy of health insurance that is made available pursuant to NRS 439.635 to 439.690, inclusive, and ensure that the formulary includes prescription drugs and pharmaceutical services that senior citizens generally require; and

(b) File a report on December 1, 2002, with the governor and the director of the legislative counsel bureau setting forth:

(1) The number of senior citizens who are insured by a policy of health insurance that is made available pursuant to NRS 439.635 to 439.690, inclusive, and the number of those senior citizens who are receiving an annual grant from the fund for a healthy Nevada to subsidize the cost of that insurance; and

(2) Whether, based on the money available to the department of human resources for the period from January 1, 2002, to December 31, 2002, for providing subsidies to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, the department had the financial ability to provide subsidies to at least 4,700 senior citizens and the coverage and benefits set forth in NRS 439.635 to 439.690, inclusive.

2. If the Governor determines that it is in the best interests of the state that the Senior Option Program set forth in sections 2 to 10, inclusive, of this

act be implemented before January 1, 2003, to replace the provisions of NRS 439.635 to 439.690, inclusive, he shall issue a proclamation to that effect.

Sec. 22. 1. As soon as practicable after July 1, 2001, the task force for the fund for a healthy Nevada shall select:

(a) The chairman of the task force from among the members of the task force who are members of the senate; and

(b) The vice chairman of the task force from among the remaining legislative members of the task force.

2. Each officer selected pursuant to subsection 1 shall hold office for a term of 2 years or until his successor is selected.

Sec. 23. 1. On July 2, 2001, after reserving the amount of the administrative costs which may be allocated pursuant to subsection 4 of NRS 439.620 for fiscal year 2001-2002, the state treasurer shall allocate from the remaining amount of money in the fund for a healthy Nevada thirty percent to the department of human resources for expenditure pursuant to NRS 439.635 to 439.690, inclusive.

2. If applicable, on July 1, 2002, after reserving the amount of the administrative costs which may be allocated pursuant to subsection 4 of NRS 439.620 for fiscal year 2002-2003, the state treasurer shall allocate from the remaining amount of money in the fund for a healthy Nevada thirty percent to the department of human resources for expenditure pursuant to NRS 439.635 to 439.690, inclusive.

Sec. 24. 1. This section and sections 11, 13, 14, 16 to 19, inclusive, 21, 22 and 23 of this act become effective upon passage and approval.

2. Sections 1 to 10, inclusive, and 12, 15 and 20 of this act become effective:

(a) Upon proclamation by the Governor pursuant to subsection 2 of section 21 of this act; or

(b) On January 1, 2003, if the report filed by the department of human resources pursuant to paragraph (b) of subsection 1 of section 21 of this act indicates either that:

(1) There are fewer than 3,500 senior citizens enrolled in and receiving subsidies pursuant to a program established pursuant to NRS 439.635 to 439.690, inclusive; or

(2) The annual allocation of money available to the department of human resources for the period from January 1, 2002, to December 31, 2002, to provide subsidies to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, was not sufficient to provide at least 4,700 senior citizens with the subsidized insurance-based coverage and benefits set forth in NRS 439.635 to 439.690, inclusive.”.

Amend the bill as a whole by adding the leadlines of repealed sections, following sec. 24, to read as follows:

“

LEADLINES OF REPEALED SECTIONS

- 439.635 Definitions.
- 439.640 “Household income” defined.
- 439.645 “Income” defined.
- 439.650 “Senior citizen” defined.
- 439.655 Administration: Powers and duties of department.
- 439.660 Administration: Cooperation between state and local agencies.
- 439.665 Contracts for provision of insurance coverage for pharmaceutical services; eligibility for and amount of subsidies.
- 439.670 Request for subsidy; action on request; payment of subsidy.
- 439.675 Denial of request for subsidy; repayment of amount received pursuant to fraudulent request.
- 439.680 Judicial review of decision to deny request for subsidy.
- 439.685 Revocation of subsidy and payment of restitution.
- 439.690 Restrictions on use of information contained in request for subsidy.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the fund for a healthy Nevada; providing that a portion of the money in the fund may be used to pay certain administrative costs incurred by the state treasurer and the department of human resources; providing for the appointment and terms of office of certain officers of the task force; revising the program of subsidies for the provision of prescription drugs and pharmaceutical services to senior citizens; directing the development of an additional subsidized state program to provide prescription drugs and pharmaceutical services to senior citizens with low incomes and repealing the existing insurance-based program under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning fund for a healthy Nevada and program to provide prescription drugs and pharmaceutical services to senior citizens with low incomes under certain circumstances. (BDR 40-536)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 357.

Bill read third time.

The following amendment was proposed by Assemblyman Goldwater:

Amendment No. 1143.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. 1. If the board of county commissioners imposes a fee pursuant to subsection 1 of section 1 of this act, the county and any agency of

the county shall not expend public revenue to urge the passage of the question proposed to the voters pursuant to subsection 2 of section 1 of this act.

2. To the extent not prohibited by federal law, if:

(a) Such a county operates or has granted a franchise for the operation of a television system; and

(b) Programming, commercials or public service announcements are broadcast on that system which urge the passage of the question proposed to the voters pursuant to subsection 2 of section 1 of this act, the county shall cause equal opportunities to be given to any person or group that opposes the passage of the question proposed to the voters pursuant to subsection 2 of section 1 of this act.”.

Amend sec. 3, page 3, line 44, by deleting “section 1” and inserting: “sections 1 and 3”.

Amend the title of the bill, seventh line, after “collected;” by inserting: “prohibiting the use of public revenue to urge the passage of the related ballot question; requiring equal broadcast opportunities on governmental television systems under certain circumstances;”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Beers.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 63.

Bill read third time.

Remarks by Assemblyman Lee.

Potential conflict of interest declared by Assemblyman Lee.

Roll call on Senate Bill No. 63:

YEAS—41.

NAYS—None.

Excused—Carpenter.

Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 489 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 261.

Bill read third time.

Roll call on Senate Bill No. 261:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 261 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 288.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Dini, Gustavson, Collins, Chowning and Humke.

Roll call on Senate Bill No. 288:

YEAS—16.

NAYS—Anderson, Angle, Arberry, Bache, Beers, Brown, Buckley, Claborn, de Braga, Dini, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Leslie, Manendo, Marvel, Mortenson, Neighbors, Ocegüera, Parks, Parnell, Von Tobel, Williams—25.

EXCUSED—Carpenter.

Senate Bill No. 288 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 399.

Bill read third time.

Remarks by Assemblymen Williams, Von Tobel, Dini and Beers.

Assemblyman Dini requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. This particular bill makes a number of changes to the charter school statutes and authorized programs of distance learning. Since I addressed the body this week on this bill at length, I will not reiterate the list of provisions in the bill on General File unless there are additional questions. I will happily answer those. I would also like to correct one statement that was made in the amendment—the number of schools that can be permitted in Clark County. This was a question that was asked by my colleague from Las Vegas, the number of schools that would be permitted in Las Vegas. The answer I gave on Friday or Saturday was four. Actually, it is six. I would also like to remind the body that there will be a conference committee on this bill in all likelihood. There's an agreement on both sides of the building that tune-up language needs to happen to the charter schools statutes. There is also a general agreement on the need for the regulation of distance education. This bill will be the vehicle, Mr. Speaker, to work out those agreements on the charter school law. I would urge my colleagues to vote in the positive.

ASSEMBLYWOMAN VON TOBEL:

Thank you, Mr. Speaker. To you and through you, a question to the chairman of Education. The six charter schools that would be allowed, does that include the charter schools we already have or six over the existing charter schools?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you, to my colleague from Las Vegas. The answer would be a total of six, which includes the number we have. And also, again, there is an unlimited amount of charter schools that can be opened if those charter schools have the overall objective to serve students that are at risk.

ASSEMBLYMAN DINI:

Mr. Speaker, through you to the chairman of Education. Regarding your statement that there is a need for regulation of distance education. Distance education has become very important to

rural Nevada. We are using that in the Lyon County School District. Kids in our entire district can have German, Biology and courses that were not available previously because of distance education, done by the school district itself. I don't want to do anything to impede that with regulation. Would you explain that?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you, to the Speaker Emeritus. During the interim, the Legislative Committee on Education found through testimony at hearings that there were a number of schools in the rural areas who were using the opportunity for distance learning in a positive way. Many of those communities were unsure how far they could go and what exactly they could do in the area of distance learning. It was one of those things in the law that was undefined. The intent of all conversations in reference to this is to allow rural communities and those that were described by the Speaker Emeritus to clearly know they can continue to do what they are doing. The conversations surrounding distance learning, exclusively were on improving opportunities for distance learning in the rural communities.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker. On page 2, lines 25-28, it reads just as it did when we read the amendment yesterday. I'm a principal in a company that operates for profit, or at least tries to, that does donate service and computers to public schools. That is an act that would be specifically prohibited by this section. One of many very onerous sections of this bill. I get up to say this only because I'm going to vote in favor of this bill so the Senate can fix it. I just want the folks at home to know that I am paying attention.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you, to my colleague who just spoke. This question that he raised on Saturday, we answered those questions. In addition to the answer, our chief legal advisor brought in a note and an explanation, gave it to the Speaker, and said that this was legal. It would not prohibit people from selling goods or contracting the type of things he has personal interest in. Obviously, the answer we gave Saturday doesn't suffice. Obviously, the answer that our chief legal advisor gave doesn't suffice for my colleague. At this point, I do not know what it's going to take to convince him. Maybe he needs to go, once we get a recess, and sit with Ms. Morgan and let her explain it a little bit more in layman's terms for him. We have already defined this for him. At this point, Mr. Speaker, I don't know what it is going to take for him to understand that this will not prohibit that type of activity.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker, for the second recognition. I want to mark for the record the fact that Wilson, Beers and Alu have never received any payment from any school or any school district. We have simply gone out and done volunteer work because we have kids in these schools. The motive implied by the previous speaker's statement is, in fact, false.

Roll call on Senate Bill No. 399:

YEAS—32.

NAYS—Angle, Brown, Cegavske, Gustavson, Hettrick, Marvel, Nolan, Tiffany, Von Tobel—9.

EXCUSED—Carpenter.

Senate Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 543 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 299.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 299:

YEAS—37.

NAYS—Anderson, Angle, Collins, Gustavson—4.

EXCUSED—Carpenter.

Senate Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 286.

Bill read third time.

Roll call on Senate Bill No. 286:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Roll call on Senate Bill No. 504:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 522.

Bill read third time.

Roll call on Senate Bill No. 522:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 536.

Bill read third time.

Roll call on Senate Bill No. 536:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 216.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Senate Bill No. 216:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:29 p.m.

ASSEMBLY IN SESSION

At 7:33 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 567.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 874.

Amend sec. 2, page 1, by deleting sec. 2 and inserting:

“Sec. 2. (Deleted by amendment.)”.

Amend sec. 11, page 2, by deleting lines 34 through 36 and inserting:

“Sec. 11. 1. *A state agency may propose a project to acquire real property, an interest in real property or an improvement to real property through an agreement which has a term, including the terms of any options for*”.

Amend sec. 11, page 3, by deleting lines 12 through 26 and inserting:

“3. *Before an agreement proposed pursuant to subsection 1 may become effective:*

(a) *The proposed project must be approved by the legislature by concurrent resolution or statute or as part of the budget of the state agency, or by the interim finance committee when the legislature is not in regular session;*

(b) *The agency must submit the proposed agreement to the chief, the state treasurer and the state land registrar for their review and transmittal to the board;*

(c) *The board must approve the proposed agreement; and*

(d) *The governor must execute the agreement.”.*

Amend sec. 13, page 3, line 37, after “*agreement*,” by inserting: “*upon approval of the state board of examiners*”.

Amend sec. 14, page 4, by deleting lines 6 through 8 and inserting:

“*Sec. 14. Immediately after an agreement is executed pursuant to section 11 of this act, the state agency on whose behalf the agreement was executed shall file with the chief and the state*”.

Amend sec. 18, page 5, by deleting sec. 18 and inserting:

“*Sec. 18. (Deleted by amendment.)*”.

Amend sec. 21, page 7, by deleting lines 17 through 42 and inserting:

“*Sec. 21. 1. In addition to the debt authorized in subsection 1 of section 4 of chapter 656, Statutes of Nevada 1995, at page 2530, and notwithstanding the provisions of subsection 2 of section 4 of chapter 656, Statutes of Nevada 1995, at page 2530, the state board of finance may issue general obligation bonds of the State of Nevada in the face amount of not more than \$27,971,319, the proceeds of which must be used for refinancing the obligations of this state pursuant to the construction, lease purchase and management services contract between the department of prisons and Corrections Corporation of America that was approved by the state board of examiners on October 14, 1996, and by the board of state prison commissioners on October 14, 1996, and was authorized by section 4 of chapter 656, Statutes of Nevada 1995, at page 2530, including, without limitation, by exercising the prepayment purchase option pursuant to the contract.*

2. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold.

3. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.”.

Amend the bill as a whole by renumbering sec. 22 as sec. 23 and adding a new section designated sec. 22, following sec. 21, to read as follows:

“*Sec. 22. Assembly Bill No. 601 of this session is hereby repealed.*”.

Amend sec. 2, page 7, by deleting lines 43 through 46 and inserting:

“*Sec. 23. This act becomes effective upon passage and approval.*”.

Amend the bill as a whole by adding the text of the repealed sections, following sec. 22, to read as follows:

“

TEXT OF REPEALED SECTIONS

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before a state agency or person acting on the behalf of a state agency may enter into a long-term agreement to purchase unimproved real property, improved real property or improvements to real property, the purchase must

be approved by the legislature by concurrent resolution or statute or as part of the budget of the state agency, or by the interim finance committee when the legislature is not in regular session.

2. This section does not affect any agreement, including, without limitation, a long-term agreement, to purchase personal property.

3. As used in this section:

(a) “Long-term agreement” means an agreement to purchase property, in the form of a lease or an agreement to pay in installments, pursuant to which the State of Nevada or a state agency may pay the purchase price of the property over a period that extends beyond the biennium in which the agreement is executed, including, without limitation:

(1) An agreement pursuant to which the State of Nevada or a state agency may acquire the property that is the subject of the agreement at the end of the term of the agreement or the end of the term of a renewal of the agreement upon payment of no additional consideration or nominal additional consideration; and

(2) An agreement that, for the purposes of federal income tax, is treated as an agreement for conditional sale.

(b) “State agency” means an agency, bureau, board, commission, department, division or any other unit of the government of this state that is required to submit information to the chief pursuant to subsection 1 or 6 of NRS 353.210.

Sec. 2. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to state financial administration; authorizing the purchase of property by a state agency pursuant to a lease-purchase or installment-purchase agreement that extends beyond the current biennium under certain circumstances; allowing the interest on certain state securities to be paid more frequently than semiannually; providing the manner for applying sales and use taxes to personal property transferred to the state pursuant to certain lease-purchase or installment-purchase agreements; authorizing the issuance of general obligation bonds to refinance existing obligations relating to the Southern Nevada Women’s Correctional Facility; and providing other matters properly relating thereto.”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 489.

Bill read third time.

Roll call on Senate Bill No. 489:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 543.

Bill read third time.

Remarks by Assemblymen Williams, Koivisto and Humke.

Potential conflict of interest declared by Assemblymen Koivisto and Humke.

Roll call on Senate Bill No. 543:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 543 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:40 p.m.

ASSEMBLY IN SESSION

At 8:30 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 77, Amendment Nos. 750, 1006; Assembly Bill No. 94, Amendment No. 1064; Assembly Bill No. 131, Amendment No. 941; Assembly Bill No. 220, Amendment No. 751; Assembly Bill No. 225, Amendment No. 967; Assembly Bill No. 246, Amendment No. 965; Assembly Bill No. 328, Amendment No. 906; Assembly Bill No. 380, Amendment No. 689; Assembly Bill No. 413, Amendment No. 938; Assembly Bill No. 430, Amendment No. 937; Assembly Bill No. 451, Amendment No. 936; Assembly Bill No. 455, Amendment No. 682; Assembly Bill No. 483, Amendment Nos. 769, 1112; Assembly Bill No. 489, Amendment No. 672; Assembly Bill No. 490, Amendment No. 934; Assembly Bill No. 499, Amendment No. 1066, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 401 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 460 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Buckley moved that all rules be suspended and that Senate Bill No. 539 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblywoman Buckley moved that Senate Bill No. 357 just returned from the printer, be placed on the General File.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 460 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 460.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1141.

Amend section 1, page 1, line 8, after "2." by inserting: "*The fees due from a short-term lessor to the department of taxation pursuant to this subsection are due on the last day of each calendar quarter.*".

Amend section 1, page 2, line 6, by deleting: "*quarter must not exceed \$25,000.*" and inserting: "*year must not exceed \$100,000.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Notwithstanding the amendatory provisions of section 1 of this act to the contrary, the reports required and fees due from a short-term lessor for the calendar year 2001 are governed by the provisions of NRS 482.313, as that section existed on December 31, 2001."

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 401.

Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 539.

Bill read third time.

Remarks by Assemblymen Buckley, Goldwater and Freeman.

Roll call on Senate Bill No. 539:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Senate Bill No. 539 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 357.

Bill read third time.

Remarks by Assemblymen Tiffany, Goldwater, Mortenson, Beers, Buckley and Collins.

Roll call on Senate Bill No. 357:

YEAS—35.

NAYS—Angle, Freeman, Goldwater, Gustavson, Manendo, Neighbors—6.

EXCUSED—Carpenter.

Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 15, 125, 259, 295, 634.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 113, Amendment No. 793; Assembly Bill No. 229, Amendment No. 984; Assembly Bill No. 239, Amendment No. 665; Assembly Bill No. 315, Amendment No. 792; Assembly Bill No. 320, Amendment No. 966; Assembly Bill No. 394, Amendment No. 907; Assembly Bill No. 459, Amendments Nos. 1072, 1137; Assembly Bill No. 500, Amendment No. 911; Assembly Bill No. 627, Amendments Nos. 736, 841, 958, 1086, 1136; Assembly Bill No. 632, Amendment No. 695, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI

Assistant Secretary of the Senate

REMARKS FROM THE FLOOR

Assemblyman Dini requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I really hate to bring this up, but I think I need to. In reference to SB 399, the charter school bill we talked about today, my colleague from District 4 and I have had disagreement on the understanding on this. Actually, from going back and looking at the statutes

and looking at the bill, the bill makes reference to a particular statute, and the number in the bill that it references is the number “5.” It should be “4.” There is a “typo” error in the bill book that I guess caused him to look at a separate section of the statute. So, with that, that clarifies why there was such a tough time getting an understanding on the particular issue that he had questions about. In reference to his statement, the part of the statute he referred to would have done exactly what he said prohibited. Actually, the bill book had a “typo” which caused him to look in a different place. I want to clarify that.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 242, 325, 443, 444, 556, 582; Assembly Concurrent Resolution No. 35; Senate Bills Nos. 51, 113, 125, 236, 502; Senate Joint Resolution No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Elana Graham.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Vince Angle and Ted Angle.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Martin.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Greenspan, Kate Greenspan, Abe Greenspan and Jerel Dutton.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Mortenson.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Larson and Renee Rampton.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Dick Curtis.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 29, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 8:59 p.m. in honor of Wayne Hurte, former Chief of the Legislative Police.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday) May 29, 2001

Assembly called to order at 12:01 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Humke, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord, it's Tuesday. It is said that this day was named for the god of war. On this, our last Tuesday here, a war is all we need. Instead, we ask for a spirit of peace and tranquility from You, the Prince of Peace. Thank You.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 209, 505, 510, 519, 521, 588, 612, 658, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 195, Senate Amendment No. 848, and requests a conference, and appointed Senators Amodei, Townsend and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment Nos. 668, 745 to Senate Bill No. 54; Assembly Amendment No. 1041 to Senate Bill No. 165; Assembly Amendment No. 971 to Senate Bill No. 243; Assembly Amendment No. 725 to Senate Bill No. 257; Assembly Amendments Nos. 606, 924, 925 to Senate Bill No. 260; Assembly Amendments Nos. 962, 1035 to Senate Bill No. 352; Assembly Amendment No. 724 to Senate Bill No. 396; Assembly Amendment No. 836 to Senate Bill No. 535.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 973 to Senate Bill No. 127; Assembly Amendment No. 726 to Senate Bill No. 303; Assembly Amendment No. 970 to Senate Bill No. 377; Assembly Amendments Nos. 740, 783 to Senate Bill No. 482.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Wiener, Porter and Washington as a first Conference Committee concerning Senate Bill No. 87.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Leslie, Smith and Tiffany as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 195.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 573 be re-referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Perkins, Buckley, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegura, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 39—Commending the Chief and staff of the State Printing Division of the Department of Administration for services rendered to the Nevada Legislature.

WHEREAS, Chief Donald L. Bailey, Sr., and the staff of the State Printing Division of the Department of Administration have worked long and hard to meet the needs of the 71st session of the Nevada Legislature, and their efforts have ensured timely and efficient printing of all bills, resolutions, histories, indices, and journals; and

WHEREAS, The work produced by the State Printing Division continues to meet the high standards of previous years because of the care that Chief Don Bailey and his excellent staff devote to every assignment given to them; and

WHEREAS, The departments of the printing office, including composition, offset, bindery and office staff, have set and achieved these high standards under the direction of Chief Bailey; and

WHEREAS, Without such outstanding service and continued cooperation from the Chief and his staff, the Legislature could not function or fulfill its obligations to the people of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature hereby express their appreciation and commend Chief Donald L. Bailey, Sr., and the members of his staff at the State Printing Division of the Department of Administration for their dedication, cooperation and exceptional work; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Donald L. Bailey, Sr., Chief of the State Printing Division of the Department of Administration.

Assemblyman Manendo moved the adoption of the resolution.

Remarks by Assemblymen Manendo, Anderson, Price, Hettrick and Chowning.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. To you and through you to the body—Donald L. Bailey, Sr. wanted me to read a short letter into the record:

“Dear Mr. Speaker, through you to the members of the Assembly and Senate. We, the Nevada State Printing employees, wish to express our thanks for this recognition today. We would also like to thank you for your hard work during the 71st Legislative Session. We wish you well during the remainder of the Session.”

Today is actually a day that we recognize you folks. Today we see the leadership of the Printing Division. What we don't see is the people behind the scenes that work very, very hard. I learned that during the session they run three shifts, while during the interim it is only one. These people that work so hard on behalf of all the citizens of the State allow us to accomplish our business. We really appreciate, not only the leadership you provide, but the people behind the scenes that I'm sure are working right now. We hear complaints about working until 9:00 but they are there all the time. Mr. Speaker, I ask this body to support this resolution.

ASSEMBLYMAN ANDERSON:

I rise in support of our printing group. I believe it is the first and oldest labor union in the State of Nevada. Through the sessions I have been here the loyalty of the hard workers that are there on a day-to-day and night-to-night basis has proved that without them this just couldn't happen. In keeping with that tradition they meet the highest order. I would feel negligent not to rise in support of those workers.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It is my pleasure also to rise in support of this resolution. I learned many years ago by becoming friends with Don and watching the work these folks do how fortunate we are. For any of you that haven't been there, the print shop is across the street. It is worth the time to go by and see the work and how they operate to keep us up to date. We really, really appreciate it—you couldn't do better. We thank you very much.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I rise in support of ACR 39. I wanted to let Mr. Bailey and his staff know that we in the minority appreciate the work they do just as much as the majority does. We want them to know that their efforts are not overlooked or forgotten. We look at these books every day and realize that without your efforts and hard work we wouldn't have these bills so we can work on them and move forward. We do appreciate everything you do.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I just wanted to say that I also rise in support. If anybody saw the quality of the last newsletter, it was so professional, full color, slick, with beautiful pictures. The nicest thing about the newsletter was the compliments they gave all of us for the hard work that we do. The print shop is a part of our team, a proud part of the team and I want to tell them thank you.

Resolution adopted unanimously.

Assemblyman Manendo moved that all rules be suspended and that Assembly Concurrent Resolution No. 39 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblywoman Buckley moved that Assembly Bills Nos. 209, 505, 510, 515, 519, 521, 588, 612, 658 and Senate Bill No. 247 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that the reading of histories of all Bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 319 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 460 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 482, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Gustavson and Ohrenschall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 482.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 455.

The following Senate amendment was read:

Amendment No. 682.

Amend sec. 8, page 2, line 22, by deleting “766.” and inserting: “766, and any similar tax authorized by specific statute.”.

Amend sec. 11, page 2, line 29, by deleting “1562.” and inserting: “1562, and any similar tax authorized by specific statute.”.

Amend sec. 19, page 5, line 11, after “contract” by inserting: “pursuant to chapter 332 or 333 of NRS on or after the effective date of this section”.

Amend sec. 21, page 6, line 20, after “contract” by inserting: “pursuant to chapter 332 or 333 of NRS on or after the effective date of this section”.

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 455.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SECOND READING AND AMENDMENT

Assembly Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1131.

Amend the bill as a whole by deleting section 1 and inserting a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. There is hereby appropriated from the state general fund to the Welfare Division of the Department of Human Resources the sum of \$4,000,000 for energy bill assistance for low-income Nevadans.”.

Amend the title of the bill by deleting the second and third lines and inserting:

“Resources for energy bill assistance for low-income Nevadans; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Welfare Division of Department of Human Resources for energy bill assistance for low-income Nevadans. (BDR S-979)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1133.

Amend section 1, page 1, line 3, by deleting “\$537,085” and inserting “\$329,107”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 510.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1134.

Amend section 1, page 1, line 3, by deleting “\$39,698” and inserting “\$36,975”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Assemblyman Arberry moved that Assembly Bill No. 515 be placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1127.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. There is hereby appropriated from the state general fund to the Department of Taxation the sum of \$2,175,000 to be allocated as follows:

1. For implementation of Phase II of the Business Process Re-Engineering Project, the sum of \$1,300,000
2. For development of a document scanning and imaging system, the sum of \$800,000
3. For enhancement of the Local Government Financial Reporting System, the sum of \$75,000”.

Amend the title of the bill, second line, by deleting “Project;” and inserting:

“Project, development of a scanning and imaging system, and enhancement of the Local Government Financial Reporting System;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Taxation for implementation of Phase II of Business Process Re-Engineering Project,

development of document scanning and imaging system, and enhancement of Local Government Financial Reporting System. (BDR S-1429)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1101.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Section 1. 1. There is hereby appropriated from the state general fund to the Governor the sum of \$325,000 to grant to the Nevada Commission for National and Community Service for use as matching money to obtain additional federal funding to continue its programs dedicated to promoting citizen volunteerism.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Commission for National and Community Service agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Commission for National and Community Service through December 1, 2002; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the Nevada Commission for National and Community Service's books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1."

Amend the title of the bill, first line, after "to" by inserting: "the Governor for support of".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriation to Governor for support of Nevada Commission for National and Community Service. (BDR S-1350)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 588.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1128.

Amend section 1, page 1, line 2, by deleting “\$400,000” and inserting “\$160,000”.

Amend section 1, page 1, line 3, by deleting: “account to approximately \$400,000.” and inserting “account.”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 612.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1129.

Amend sec. 3, page 2, line 29, by deleting “\$1,000,000.” and inserting “\$500,000.”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 658.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1130.

Amend section 1, page 1, line 3, by deleting “\$12,303,000” and inserting “\$11,820,380”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 247.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 442.

The following Senate amendment was read:

Amendment No. 945.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 444.630 is hereby amended to read as follows:

444.630 1. ~~[As used in this section, "garbage" includes swill, refuse, cans, bottles, paper, vegetable matter, carcass of any dead animal, offal from any slaughter pen or butcher shop, trash or rubbish.~~

2. ~~Every~~ A person who ~~[willfully]~~ places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any ~~[garbage,]~~ *solid waste*, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, ~~[into or upon which the public is admitted by easement, license or otherwise,]~~ is guilty of :

(a) *For a first offense within the immediately preceding 2 years, a misdemeanor. [and, if the convicted person agrees, he shall be sentenced to]*

(b) *For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not fewer than 14 days but not more than 1 year.*

(c) *For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.*

2. *In addition to any criminal penalty imposed pursuant to subsection 1 and any civil penalty imposed pursuant to NRS 444.635, a court shall sentence a person convicted of violating subsection 1:*

(a) *If the person is a natural person, to clean up the dump site and perform 10 hours of work for the benefit of the community under the conditions prescribed in NRS 176.087.*

(b) *If the person is a business entity:*

(1) *For a first or second offense within the immediately preceding 2 years, to:*

(I) *Clean up the dump site; and*

(II) *Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.*

(2) *For a third or subsequent offense within the immediately preceding 2 years, to:*

(I) *Clean up the dump site; and*

(II) *Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.*

3. *If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:*

(a) *Within 3 calendar days after sentencing, commence cleaning up the dump site; and*

(b) *Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.*

The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. *In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:*

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this state; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in NRS 444.585, ownership of ~~[garbage]~~ solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any ~~[garbage]~~ solid waste which is disposed of in violation of subsection ~~[2]~~ 1 creates a reasonable inference that the owner is the person who disposed of the ~~[garbage]~~ solid waste. The fact that the disposal of the ~~[garbage]~~ solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

~~[4]~~ 6. All:

- (a) Health officers and their deputies;
- (b) Game wardens;
- (c) Police officers of cities and towns;
- (d) Sheriffs and their deputies;
- (e) Other peace officers of the State of Nevada; and
- (f) Other persons who are specifically designated by the local government

to do so, shall, within their respective jurisdictions, enforce the provisions of this section.

~~[5]~~ 7. A district health officer or his deputy or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within his jurisdiction.

~~[6]~~ 8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

- (a) Agency of the state or its political subdivisions.
- (b) Employer, public or private.
- (c) Employee organization or trust of any kind.
- (d) Financial institution or other entity which is in the business of providing credit reports.
- (e) Public utility.

Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection ~~[2]~~ 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

Sec. 2. This act becomes effective upon passage and approval for the purpose of the solid waste management authority prescribing the forms of proof which may be provided to satisfy the provisions of paragraph (b) of subsection 3 of section 1 of this act, and on September 1, 2001, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to sanitation; increasing the penalties for disposing of sewage or solid waste unlawfully; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Increases penalties for unlawful dumping of sewage or solid waste. (BDR 40-252)”.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 442.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 313.

The following Senate amendment was read:

Amendment No. 1089.

Amend section 1, page 2, line 32, by deleting “NRS.” and inserting: “NRS, whose primary duties of employment are the provision of emergency medical services.”.

Amend sec. 3, page 3, by deleting lines 22 through 49 on page 3 and line 1 on page 4, and inserting:

“616C.052 1. ~~HH~~ Except as otherwise provided in section 4 of this act, if a police officer or a salaried or volunteer fireman is exposed to a contagious disease:

(a) Upon battery by an offender; or

(b) While performing the duties of a police officer or fireman, the employer of the police officer or fireman shall create and maintain a report concerning the exposure that includes, without limitation, the name of each police officer or fireman, as applicable, who was exposed to the contagious disease and the name of each person, if any, to whom the police officer or fireman was exposed.

2. Except as otherwise provided in paragraph (d) of subsection 2 of NRS 616A.265, if the results of a physical examination administered pursuant to NRS 617.455 or 617.457 to a police officer or a salaried or volunteer fireman after the commencement of his employment reveal that the police officer or fireman tested positive for exposure to tuberculosis, the police officer or fireman is eligible, during his lifetime, to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for tuberculosis and any additional diseases or conditions that are associated with or result from tuberculosis.

3. ~~[(H)]~~ *Except as otherwise provided in section 4 of this act, if the employment of a police officer or a salaried or volunteer fireman is terminated, voluntarily or involuntarily, the employer of the police officer or fireman shall:*

(a) At the time of termination and at 3 months after the date of termination, provide to the police officer or fireman a purified protein derivative skin test to screen for exposure to tuberculosis, unless the police officer or fireman previously submitted to such a test and tested positive for exposure to tuberculosis. Except as otherwise provided in paragraph (d) of subsection 2 of NRS 616A.265, if a skin test administered pursuant to this paragraph and provided to the employer reveals that the police officer or fireman tested positive for exposure to tuberculosis, the police officer or fireman is eligible, during his lifetime, to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for tuberculosis and any additional diseases or conditions that are associated with or result from tuberculosis.

(b) ~~[At the time]~~ *Within 30 days after the date of termination and at 6 and 12 months after the date of termination, provide to the police officer or fireman a blood test or other appropriate test to screen for other contagious diseases, including, without limitation, hepatitis A, hepatitis B, hepatitis C and human immunodeficiency virus. If a blood test or other appropriate test administered pursuant to this paragraph and provided to the employer reveals that the police officer or fireman has any other contagious disease or the antibodies associated with a contagious disease, the police officer or fireman is eligible, during his lifetime, to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for such a disease and any additional diseases or conditions that are associated with or result from the contagious disease.*

4. The former employer of a police officer or a salaried or volunteer fireman shall pay all the costs associated with providing skin and blood tests *and other appropriate tests* required pursuant to subsection 3.

5. As used in this section, the term “battery” includes, without”.

Amend sec. 4, page 4, line 49, by deleting “NRS.” and inserting: “NRS, whose primary duties of employment are the provision of emergency medical services.”.

Amend sec. 5, page 5, line 16, after “2.” by inserting:
“Notwithstanding the provisions of section 4 of this act, a person who, on October 1, 2001, is employed as a full-time salaried fireman or emergency medical attendant in this state shall submit to a blood test to screen for hepatitis on or before November, 1, 2001. The blood test must be paid for by the employer of the person. If a person fails to submit to a blood test required by this subsection, the conclusive presumption relating to hepatitis otherwise created by section 4 of this act shall be deemed with regard to that person and for the purposes of section 4 of this act to be a rebuttable presumption that may only be rebutted by clear and convincing evidence that the hepatitis was

not contracted during the period in which the person was employed as a full-time salaried firefighter or emergency medical attendant.

3.”.

Amend sec. 5, page 5, lines 22 and 23, by deleting:

“the conclusive presumption relating to hepatitis created by” and inserting: “a rebuttable presumption that the hepatitis arose out of and in the course of his employment and is compensable in accordance with”.

Amend sec. 5, page 5, line 24, after “NRS.” by inserting: “The presumption may only be rebutted by clear and convincing evidence that the hepatitis was not contracted during the period in which the person was employed as a full-time salaried firefighter or emergency medical attendant.”.

Amend sec. 5, page 5, line 25, by deleting “3.” and inserting “4.”.

Amend sec. 5, page 5, line 29, by deleting “NRS.” and inserting: “NRS, whose primary duties of employment are the provision of emergency medical services.”.

Amend the title of the bill to read as follows:

“AN ACT relating to occupational diseases; creating statutory presumptions that hepatitis is an occupational disease for certain firemen and emergency medical attendants; establishing requirements of eligibility for the statutory presumptions; requiring the testing of such employees for the presence of hepatitis; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates statutory presumptions that hepatitis is occupational disease for certain employees. (BDR 53-843)”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 313.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 338.

The following Senate amendment was read:

Amendment No. 927.

Amend sec. 5, page 2, by deleting lines 40 through 45 and inserting: “*who provides accident benefits to pay to the provider of health care the amount which is allowed for the treatment or other services set forth in the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract. Within 30 days after receiving the payment, the provider of health care shall reimburse the injured employee for the amount paid in protest by him.*”.

Amend sec. 7, page 4, by deleting lines 7 through 11 and inserting:

“refers the injured employee to a specialist for treatment, the treating physician or chiropractor shall provide to the injured employee a list that includes the name of each physician or chiropractor with that specialization who is on the panel. After receiving the list, the injured employee shall, at the time the referral is made, select a physician or chiropractor from the list.”.

Amend sec. 7, page 4, by deleting lines 28 through 39 and inserting: *“specialist for treatment, the treating physician or chiropractor shall provide to the injured employee a list that includes the name of each physician or chiropractor with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care services pursuant NRS 616B.527, as appropriate. After receiving the list, the injured employee shall, at the time the referral is made, select a physician or chiropractor from the list. If the employee fails to select a physician or chiropractor, the insurer may select a physician or chiropractor with that specialization. If a physician or chiropractor with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care services may select a physician or chiropractor with that specialization.”.*

Amend the bill as a whole by deleting sections 8 and 9 and inserting:

“Secs. 8 and 9. (Deleted by amendment.)”.

Amend sec. 11, page 7, lines 1 and 2, by deleting: *“reimburse an injured employee for the payment of”* and inserting *“pay the”*.

Amend sec. 12, page 8, lines 7 and 8, by deleting: *“reimburse an injured employee for the payment of”* and inserting *“pay the”*.

Amend the bill as a whole by deleting sec. 13 and inserting:

“Sec. 13. (Deleted by amendment.)”.

Amend sec. 14, page 10, by deleting lines 39 through 42 and inserting: *“his accident is not required to comply with NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations adopted by the division governing vocational rehabilitation services if the employer offers the employee temporary, light-duty employment. Any offer of”.*

Amend sec. 15, page 11, by deleting line 36 and inserting: *“disability, the insurer shall”*.

Amend sec. 15, page 11, line 37, after *“portion”* by inserting: *“or a summary of that portion”*.

Amend sec. 15, page 12, line 7, by deleting *“or psychological”*.

Amend sec. 15, page 12, by deleting lines 10 through 22.

Amend sec. 15, page 12, line 23, by deleting *“7.”* and inserting *“~~5.~~ 6.”*.

Amend sec. 15, page 12, line 30, by deleting *“8.”* and inserting *“7.”*.

Amend sec. 15, page 12, line 44, by deleting *“9.”* and inserting *“8.”*.

Amend sec. 15, page 12, line 46, by deleting *“10.”* and inserting *“9.”*.

Amend sec. 15, page 13, line 3, by deleting *“11.”* and inserting *“10.”*.

Amend sec. 15, page 13, line 6, by deleting *“12.”* and inserting *“11.”*.

Amend sec. 15, page 13, line 9, by deleting *“13.”* and inserting *“12.”*.

Amend sec. 16, page 14, line 23, by deleting *“8”* and inserting *“7”*.

Amend sec. 18, page 16, line 22, by deleting "\$25,000." and inserting "\$20,000."

Amend the bill as a whole by adding a new section designated sec. 20, following sec. 19, to read as follows:

"Sec. 20. This act becomes effective on July 1, 2002."

Amend the title of the bill to read as follows:

"AN ACT relating to workers' compensation; requiring a hearing officer or appeals officer to order an insurer, organization for managed care, third-party administrator or employer to pay for treatment or other services provided to an employee by a provider of health care under certain circumstances; requiring an insurer to include in certain statements a notice setting forth the right of an injured employee to select an alternative treating physician or chiropractor; authorizing an injured employee to select an alternative treating physician or chiropractor under certain circumstances; requiring the administrator of the division of industrial relations of the department of business and industry to design a form notifying an injured employee of his right to select an alternative treating physician or chiropractor; requiring an insurer to deliver to a treating physician or chiropractor certain provisions relating to the evaluation of a permanent impairment under certain circumstances; revising the provisions governing eligibility for and duration of vocational rehabilitation services; and providing other matters properly relating thereto."

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 338.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 853.

Amend section 1, page 1, line 14, by deleting "*employees of*".

Amend sec. 3, page 2, line 19, by deleting "*employees of*".

Amend sec. 5, page 2, line 44, by deleting "*employees of*".

Amend sec. 8, page 3, line 34, by deleting "*A*" and inserting: "*Except as otherwise provided in NRS 422.273, a*".

Amend sec. 8, page 3, line 45, by deleting "*employees of*".

Amend sec. 9, page 4, line 15, by deleting "subsection 3 of".

Amend sec. 10, page 4, line 43, by deleting "*employees of*".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the ~~purposes~~ *purpose of contracting with a Medicaid managed care program pursuant to this section* ~~[-]~~, *a health maintenance organization is exempt from the provisions of section 8 of this act.*

5. *As used in this section, unless the context otherwise requires:*

(a) “Federally-qualified health center” has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) “Health maintenance organization” has the meaning ascribed to it in NRS 695C.030.”.

Amend sec. 13, page 6, line 46, by deleting: “July 1, 2001.” and inserting: “January 1, 2002.”

Amend sec. 14, page 7, line 2, by deleting: “July 1, 2001.” and inserting: “January 1, 2002.”

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 853 to Assembly Bill No. 452.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1071.

Amend sec. 12, page 6, line 14, by deleting “date” and inserting “date,”.

Amend sec. 12, page 6, line 25, by deleting “30” and inserting “60”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 1071 to Assembly Bill No. 452.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 540.

The following Senate amendment was read:

Amendment No. 964.

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

“Sec. 3.5. NRS 482.071 is hereby amended to read as follows:

482.071 “Motor home” means a structure:

1. Attached permanently to a self-propelled motor vehicle chassis;
2. Designed as a temporary dwelling for travel, recreational or camping use; and
3. When assembled for the road, ~~having~~ *has* a maximum body width of ~~[8 feet.]~~ *102 inches.*”.

Amend sec. 11, page 3, line 14, by deleting “1.” and inserting “[1.]”.

Amend sec. 11, page 3, by deleting lines 18 through 20 and inserting: “trailer.

~~[2.— A vehicle is not a travel trailer if, when equipped for highway use, it is more than 8 feet wide.] The term does not include a recreational park trailer.”.~~

Amend the bill as a whole by deleting sections 12 and 13 and inserting:

“Secs. 12 and 13. (Deleted by amendment.)”.

Amend the title of the bill to read as follows:

“AN ACT relating to vehicles; providing for the identification, registration, regulation, taxation and other treatment of recreational park trailers as recreational vehicles; revising certain statutory definitions of “motor home” and “travel trailer;” and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for identification, registration, regulation, taxation and other treatment of recreational park trailers as recreational vehicles and revises certain statutory definitions of “motor home” and “travel trailer.” (BDR 43-799)”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 540.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 619.

The following Senate amendment was read:

Amendment No. 1043.

Amend sec. 2, page 1, lines 3, 7, 9, 10, 12 and 14, by deleting “mobile” and inserting “manufactured”.

Amend sec. 3, page 2, by deleting line 2 and inserting:

“cause to be moved a manufactured home or recreational vehicle into the manufactured”.

Amend sec. 3, page 2, lines 4, 5 and 7, by deleting “mobile” and inserting “manufactured”.

Amend sec. 3, page 2, by deleting line 17 and inserting:
“be moved a manufactured home or recreational vehicle into a manufactured home park”.

Amend sec. 3, page 2, line 20, by deleting “mobile” and inserting “manufactured”.

Amend sec. 4, page 2, lines 23 and 25, by deleting “mobile” and inserting “manufactured”.

Amend sec. 4, page 2, by deleting line 26 and inserting:
“the manufactured home park or other common area in the manufactured home park, a”.

Amend sec. 4, page 2, lines 27, 31, 35, 37, 38 and 44, by deleting “mobile” and inserting “manufactured”.

Amend sec. 6, page 3, line 12, by deleting “[f]”.

Amend sec. 6, page 3, line 34, by deleting “mobile” and inserting “manufactured”.

Amend sec. 7, page 4, lines 11 and 15, by deleting “mobile” and inserting “manufactured”.

Amend sec. 7, page 4, line 21 by deleting “trees” and inserting “trees,”.

Amend sec. 7, pages 23, 25 and 28, by deleting “mobile” and inserting “manufactured”.

Amend sec. 8, page 4, lines 34, 35, 37, 40 and 42, by deleting “mobile” and inserting “manufactured”.

Amend sec. 8, page 4, by deleting line 43 and inserting:
“the manufactured home park even if the manufactured home or recreational vehicle is to”.

Amend sec. 8, page 4, line 44, by deleting “mobile” and inserting “manufactured”.

Amend sec. 8, page 5, line 12, after “holidays,” by inserting “for”.

Amend sec. 8, page 5, line 18, by deleting “mobile” and inserting “manufactured”.

Amend sec. 9, page 5, line 31, by deleting “mobile” and inserting “manufactured”.

Amend sec. 9, page 5, line 32, by deleting “mobile” and inserting “manufactured”.

Amend sec. 9, page 6, lines 5 and 7, by deleting “mobile” and inserting “manufactured”.

Amend sec. 9, page 6, lines 27 and 40, by deleting “mobile” and inserting “manufactured”.

Amend sec. 10, page 7, lines 23, 32, 34, 36, 38, 41, 44, 47 and 49, by deleting “mobile” and inserting “manufactured”.

Amend sec. 11, page 8, lines 1 and 2, by deleting “mobile” and inserting “manufactured”.

Amend sec. 12, page 8, lines 7, 8, 12, 13, 17 and 21, by deleting “mobile” and inserting “manufactured”.

Amend sec. 12, page 8, by deleting line 24 and inserting: “tenant of a manufactured home or recreational vehicle and the manufactured home or”.

Amend sec. 12, page 8, lines 36, 37, 38, 39, 40, 42 and 46 by deleting “mobile” and inserting “manufactured”.

Amend sec. 13, page 8, by deleting line 47 and inserting: “of a manufactured home park for sale with a licensed real estate broker shall, not”.

Amend sec. 13, page 9, line 4, by deleting: “In order to” and inserting “To”.

Amend sec. 13, page 9, line 5, by deleting “mobile” and inserting “manufactured”.

Amend sec. 14, page 9, line 15, by deleting “mobile” and inserting “manufactured”.

Amend sec. 14, page 9, by deleting line 16, and inserting: “into individual manufactured home lots for sale to manufactured home owners if the”.

Amend sec. 14, page 9, lines 28, 29, 31, 32, 34 and 40, by deleting “mobile” and inserting “manufactured”.

Amend sec. 14, page 9, by deleting line 41 and inserting:

“2. Upon the sale of a manufactured home lot and a manufactured home which is”.

Amend sec. 14, page 9, by deleting line 43 and inserting: “price is for the manufactured home lot and what portion is for the manufactured home.”.

Amend sec. 15, page 9, line 47, by deleting “mobile” and inserting “manufactured”.

Amend sec. 15, page 10, lines 5, 6, 8, 9, 11, 17 and 20, by deleting “mobile” and inserting “manufactured”.

Amend sec. 17, page 11, by deleting lines 6 through 14 and inserting:

“1. The division shall adopt regulations for the issuance of limited resale licenses authorizing a landlord or manager to sell a used mobile home. Regulations adopted pursuant to this section must specify the requirements for licensure, including, without limitation, any educational requirements.

2. A person who is licensed pursuant to the regulations described in subsection 1 may sell a used mobile home if:

(a) The mobile home is located in a mobile home park that the landlord or manager owns, leases or manages; and

(b) The landlord or manager purchased the mobile home at a sale to enforce a lien pursuant to NRS 108.270 to 108.360, inclusive.”.

Amend sec. 17, page 11, line 15, by deleting “2.” and inserting “3.”.

Amend sec. 17, page 11, after line 17, by inserting:

“(c) *“Mobile home park” has the meaning ascribed to “manufactured home park” in NRS 118B.017.”.*

Amend the bill as a whole by adding a new section designated sec. 18, following sec. 17, to read as follows:

“Sec. 18. 1. This section and sections 1 to 5, inclusive, 16 and 17 of this act become effective on October 1, 2001.

2. Sections 6 to 15, inclusive, of this act become effective at 12:01 a.m. on October 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to manufactured home parks; authorizing the landlord of a manufactured home park to require written consent before a person moves a manufactured home or recreational vehicle into the manufactured home park; providing certain statutory exceptions for corporate cooperative parks; requiring the landlord of a manufactured home park to post periodically a report on the quality of water supplied to the manufactured home park; authorizing the landlord of a manufactured home park to impose certain requirements relating to the occupancy of manufactured homes; providing that certain prohibitions relating to increases in rent for manufactured homes and manufactured home lots apply to long-term leases; reducing certain periods of notice required before a landlord may bring an action for an unlawful detainer or terminate a written agreement; requiring the manufactured housing division of the department of business and industry to create a limited license authorizing the landlord or manager of a manufactured home park to resell a manufactured home under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions governing manufactured home parks. (BDR 10-1090)”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 1043 to Assembly Bill No. 619.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1080.

Amend the bill as a whole by renumbering sections 7 through 18 as sections 8 through 19 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 118B.110 is hereby amended to read as follows:

118B.110 1. The landlord shall meet with a representative group of tenants occupying the park, chosen by the tenants, to hear any complaints or suggestions which concern a matter relevant to the park within 45 days after he receives a written request to do so which has been signed by persons occupying at least 25 percent of the lots in the park. The 25 percent must be calculated on the basis of one signature per occupied lot. The meeting must

be held at a time and place which is convenient to the landlord and the tenants. The representative group of tenants must consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section , the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.

3. If the landlord is not a natural person, the landlord shall appoint a natural person, not the manager or assistant manager, who possesses a financial interest in the manufactured home park to meet with the tenants.

4. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

5. *If the landlord of a manufactured home park is a cooperative association or a corporation for public benefit, the landlord shall provide a notice of the meeting to the administrator and the administrator or his representative shall attend the meeting.*

6. *As used in this section:*

(a) *“Cooperative association” means an association formed pursuant to the provisions of NRS 81.170 to 81.270, inclusive.*

(b) *“Corporation for public benefit” has the meaning ascribed to it in NRS 82.021.”.*

Amend sec. 18, page 11, line 43, by deleting:

“16 and 17” and inserting:

“17 and 18”.

Amend sec. 18, page 11, line 45, by deleting “15,” and inserting “16.”.

Amend the title of the bill, sixth line, after “park;” by inserting: “requiring the attendance of the administrator of the manufactured housing division of the department of business and industry or his representative at certain meetings between a landlord and tenant;”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 1080 to Assembly Bill No. 619.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 483.

The following Senate amendment was read:

Amendment No. 769.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.”.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

“Sec. 2. 1. Except as otherwise provided in section 3 of this act, each report of campaign contributions and expenses that is filed”.

Amend section 1, page 2, by deleting line 18 and inserting: *“reporting period as reconciled with the most recent bank statements for those accounts”.*

Amend section 1, page 3, between lines 9 and 10, by inserting:

“4. As used in this section:

(a) “Contribution” does not include the value of goods and services provided in kind for which money would have otherwise been paid.

(b) “Expense” does not include the value of goods and services provided in kind for which money would have otherwise been paid.”.

Amend the bill as a whole by renumbering sections 2 through 9 as sections 4 through 11 and adding a new section designated sec. 3, following section 1, to read as follows:

“Sec. 3. 1. In addition to the form set forth in section 2 of this act, each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, 294A.125, 294A.200 or 294A.360 must file a separate form relating to goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form each such campaign contribution he receives and expense he incurs during the reporting period.

2. The secretary of state shall design the form described in subsection 1 for each candidate who is required to use the form to file a report pursuant to NRS 294A.120, 294A.125 or 294A.200. The city clerk shall design the form described in subsection 1 for each candidate who is required to use the form to file a report pursuant to NRS 294A.360. The secretary of state and each city clerk shall design the format of the form described in subsection 1 so that a candidate who uses the form may record in the form a list of each such campaign contribution as the contribution is received and expense in excess of \$100 as it is incurred.

3. Upon request, the secretary of state shall provide a copy of the form described in subsection 1 to each candidate who is required to file a report of his campaign contributions and expenses pursuant to NRS 294A.120, 294A.125 or 294A.200. Upon request, each city clerk shall provide a copy of the form described in subsection 1 to each candidate who is required to file a report of his campaign contributions and expenses pursuant to NRS 294A.360.”.

Amend sec. 2, page 3, by deleting lines 16 and 17 and inserting: *“during the period on the forms provided by the secretary of state pursuant to sections 2 and 3 of this act. Each form must be signed by the”.*

Amend sec. 2, page 3, by deleting lines 44 and 45 and inserting: *“the forms [designed and] provided by the secretary of state [and] pursuant to sections 2 and 3 of this act. Each form must be signed by the”.*

Amend sec. 2, page 4, by deleting lines 13 and 14 and inserting:

“the forms provided by the secretary of state pursuant to sections 2 and 3 of this act. Each form must be signed by the candidate under penalty of perjury.”.

Amend sec. 2, page 4, by deleting lines 22 and 23 and inserting: *“the forms ~~designed and~~ provided by the secretary of state ~~and~~ pursuant to sections 2 and 3 of this act. Each form must be signed by the”.*

Amend sec. 2, page 4, by deleting lines 28 and 29 and inserting: *“the forms ~~designed and~~ provided by the secretary of state pursuant to sections 2 and 3 of this act and signed by the candidate under penalty of”.*

Amend sec. 2, page 4, line 40, by deleting “report” and inserting “[~~report~~] reports”.

Amend sec. 3, page 5, by deleting lines 24 and 25 and inserting: *“~~designed and~~ the forms provided by the secretary of state pursuant to sections 2 and 3 of this act and must be signed by the candidate under penalty of”.*

Amend sec. 3, page 5, line 36, by deleting “report” and inserting “[~~report~~] reports”.

Amend sec. 3, page 5, line 39, by deleting “report” and inserting “[~~report~~] reports”.

Amend sec. 3, page 5, line 43, by deleting “the” and inserting “[~~the~~] a”.

Amend sec. 4, page 6, by deleting lines 7 through 9 and inserting: *“that he incurs during the period on the forms provided by the secretary of state pursuant to sections 2 and 3 of this act. Each such candidate shall, not later than January 15 of each year that the provisions of this subsection apply to the candidate, for the period from January 1 of the previous year through December 31 of the previous year, list each amount in excess of \$100 that he disposes of pursuant to NRS 294A.160 during the period on the form provided by the secretary of state pursuant to section 2 of this act. Each form must”.*

Amend sec. 4, page 6, by deleting lines 39 and 40 and inserting: *“the period on the forms ~~designed and~~ provided by the secretary of state ~~and~~ pursuant to sections 2 and 3 of this act. Each form must be signed”.*

Amend sec. 4, page 7, by deleting lines 8 and 9 and inserting: *“during the period on the forms provided by the secretary of state pursuant to sections 2 and 3 of this act. Each form must be signed by the”.*

Amend sec. 4, page 7, by deleting lines 18 and 19 and inserting: *“the period on the forms ~~designed and~~ provided by the secretary of state ~~and~~ pursuant to sections 2 and 3 of this act. Each form must be signed”.*

Amend sec. 4, page 7, by deleting lines 24 and 25 and inserting: *“that he incurs on the forms ~~designed and~~ provided by the secretary of state pursuant to sections 2 and 3 of this act and signed by the candidate”.*

Amend sec. 4, page 7, line 37, by deleting “report” and inserting “[~~report~~] reports”.

Amend sec. 6, page 10, line 2, by deleting “Goods” and inserting: *“~~[Goods]~~ Except as otherwise provided in section 3 of this act, goods”.*

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 9, to read as follows:

“Sec. 12. This act becomes effective on January 1, 2002.”

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to elections; establishing the general form to be used by a candidate for reporting certain campaign contributions and expenses; requiring the secretary of state and each city clerk to design the form to be used by a candidate for reporting in kind campaign contributions and expenses; revising the dates for filing those reports; revising the reporting period included in those reports; revising provisions”.

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate Amendment No. 769 to Assembly Bill No. 483.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

The following Senate amendment was read:

Amendment No. 1112.

Amend sec. 2, page 1, by deleting lines 10 through 15 and inserting:

“1. *Total amount of contributions received*”.

Amend sec. 2, page 2, line 1, by deleting “3.” and inserting “2.”

Amend sec. 2, page 2, line 4, by deleting:

“4. *The total*” and inserting:

“3. *Total amount of any interest and income earned for the campaign during the reporting period*

4. *Total amount of all contributions received during the reporting period*

5. *Total*”.

Amend sec. 2, page 2, line 9, by deleting:

“5. *The total*” and inserting “6. *Total*”.

Amend sec. 2, page 2, by deleting lines 13 through 19 and inserting:

“7. *Total amount of all expenses incurred during the reporting period*

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate Amendment No. 1112 to Assembly Bill No. 483.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 637.

The following Senate amendment was read:

Amendment No. 830.

Amend the bill as a whole by deleting sections 6 through 9 and inserting:

“Secs. 6-9. (Deleted by amendment.)”.

Amend sec. 21, page 11, by deleting line 7 and inserting: “for at least 22 months ~~[-. All]~~ and all such sealed materials must be destroyed”.

Amend sec. 36, page 21, by deleting lines 22 and 23 and inserting: "*described by this subsection must be preserved for at least 22 months [~~At~~]* and all such sealed materials must be destroyed immediately after that".

Amend the bill as a whole by deleting sec. 45 and inserting:

"Sec. 45. (Deleted by amendment.)".

Amend sec. 46, page 25, line 3, by deleting "*and thirty*" and inserting "*and thirty*".

Amend sec. 46, page 25, lines 10 and 11, by deleting: "paragraph (a) of".

Amend sec. 49, page 27, lines 4 and 5, by deleting "*4 months*" and inserting "*130 days*".

Amend sec. 51, page 28, line 27, by deleting "*and thirty*" and inserting "*and thirty*".

Amend sec. 51, page 28, lines 34 and 35, by deleting: "paragraph (a) of".

Amend sec. 54, page 30, line 46, by deleting: "*request that the county clerk*" and inserting: "*request that the county clerk*".

Amend the bill as a whole by deleting sec. 55 and inserting:

"Sec. 55. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 61 and inserting:

"Sec. 61. (Deleted by amendment.)".

Amend sec. 64, page 34, by deleting lines 5 and 6 and inserting: "*purpose relating to an election or to candidates or issues involved in an election, any organization, group or person*".

Amend sec. 64, page 34, by deleting lines 8 through 11 and inserting: "*agency which has custody of the official records of voters [~~shall~~] shall, except as otherwise provided in NRS 293.558:*

1. Permit the organization, group or person to copy the names and addresses of voters from the official register of voters; or

2. Furnish such a list upon payment of the cost established by state election law."

Amend the title of the bill to read as follows:

"AN ACT relating to elections; providing for a person without a street address to register to vote; clarifying who may sign a petition to fill a vacancy in a nomination for a nonpartisan office; allowing certain persons who change designations of political party affiliation to be independent or minor party candidates for partisan office; revising the requirements concerning certain requests for absent ballots and voting by persons who request absent ballots; revising the requirements for handling and maintaining election materials after an election; revising the requirements concerning the form, contents and filing of certain applications to register to vote; prohibiting the public disclosure of certain information concerning voters; providing for the verification of signatures on county and municipal petitions; removing the option of submitting supplements to certain county

and municipal petitions; requiring notice to be given upon an appointment to fill a vacancy in an elected office; repealing the requirement that checklists of voters be created for elections; repealing the restriction on the length of time a voter may remain in a voting booth; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 637.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 638.

The following Senate amendment was read:

Amendment No. 932.

Amend the bill as a whole by deleting sec. 3 and inserting:

“Sec. 3. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 6 and inserting:

“Sec. 6. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 8 and inserting:

“Sec. 8. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 11 and inserting:

“Sec. 11. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 13 and inserting:

“Sec. 13. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 15 and inserting:

“Sec. 15. (Deleted by amendment.)”.

Amend sec. 20, page 12, by deleting lines 8 and 9 and inserting:

“(b) Any member of a board, commission or other body whose function”.

Amend sec. 20, page 12, line 11, by deleting “(d)” and inserting “(c)”.

Amend sec. 20, page 12, line 15, by deleting “(e)” and inserting “(d)”.

Amend the bill as a whole by deleting sec. 21 and inserting:

“Sec. 21. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section designated sec. 27, following sec. 26, to read as follows:

“Sec. 27. Section 20 of this act becomes effective at 12:01 a.m. on October 1, 2001.”.

Amend the title of the bill by deleting the third through eighth lines and inserting: “who initiated the challenge; clarifying the treatment of special absent ballots; revising the procedures for closing a polling place and counting ballots; revising the provisions governing voting by a new resident for President and Vice President; revising the requirement that a judicial officer and a”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 638.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 451.

The following Senate amendment was read:

Amendment No. 936.

Amend section 1, page 1, line 6, by deleting “*county*” and inserting: “*county, except property of the county that is operated or occupied by the county fair and recreation board,*”.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: “~~is let to or for any nonprofit charitable or civic organization,~~ *leased or conveyed to a corporation for public benefit*, and the property is actually used for charitable or civic”.

Amend section 1, page 1, line 15, by deleting “*an organization*” and inserting: “*a corporation for public benefit*”.

Amend section 1, page 1, after line 17, by inserting:

“4. *As used in this section, “corporation for public benefit” has the meaning ascribed to it in NRS 82.021.*”.

Amend sec. 2, page 2, line 4, by deleting: “*nonprofit charitable or civic organization*” and inserting: “*corporation for public benefit*”.

Amend sec. 2, page 2, line 9, by deleting “*an organization*” and inserting: “*a corporation for public benefit*”.

Amend sec. 2, page 2, between lines 11 and 12, by inserting:

“4. *As used in this section, “corporation for public benefit” has the meaning ascribed to it in NRS 82.021.*”.

Amend the title of the bill, second line, by deleting: “*certain nonprofit organizations*” and inserting: “*corporations for public benefit*”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes certain local governments to donate real property to corporations for public benefit in certain circumstances. (BDR 20-369)”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 451.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 490.

The following Senate amendment was read:

Amendment No. 934.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, “committee” means an advisory committee on aircraft noise established pursuant to section 3 of this act.*

Sec. 3. 1. *The board of county commissioners of each county whose population is 400,000 or more may establish by ordinance an advisory committee on aircraft noise.*

2. *If a board of county commissioners establishes a committee, the board shall appoint to the committee 11 members as follows:*

- (a) Four members who live in neighborhoods affected by aircraft noise;*
- (b) One member who lives in a neighborhood that is adjacent to an airport;*
- (c) One member who represents commercial operators of helicopters;*
- (d) One member who represents general aviation;*
- (e) One member who represents the division of Air Traffic Services of the Federal Aviation Administration;*
- (f) One member who represents a business that is affected by aircraft noise or is adjacent to an airport;*
- (g) One member who represents the department of aviation of the county;*
and
- (h) One member who represents the board of county commissioners of the county.*

3. *The members of the committee shall serve terms of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the committee must be filled in the same manner as the original appointment.*

4. *The board of county commissioners shall appoint one of the members as chairman of the committee, who shall serve as chairman for a term of 1 year. If a vacancy occurs in the chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.*

5. *The members of the committee serve without compensation.*

6. *The committee shall:*

- (a) Meet upon the call of the chairman; and*
- (b) Comply with the provisions of chapter 241 of NRS.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, the committee may:*

(a) Examine and assess laws and any other information related to problems of aircraft noise in the county, including, without limitation, existing and proposed flight paths for aircraft;

(b) Promote increased communication regarding aircraft noise among relevant public entities and between those entities and the general public;
and

(c) With due regard for the safety and efficiency of the aviation industry, advise and consult with the Federal Aviation Administration, the board of county commissioners and all other relevant federal, state and local governmental agencies, bodies and officials regarding new and existing programs and approaches for abating aircraft noise.

2. The provisions of this section do not authorize the committee to take any action with respect to any aircraft that is operated:

(a) In commercial aviation pursuant to 14 C.F.R. Part 121 or 14 C.F.R. Part 135, or both;

(b) As an air ambulance, as that term is defined in NRS 450B.030; or

(c) By or in cooperation with a law enforcement agency.

Sec. 5. 1. Except as otherwise provided in subsection 2, the board of county commissioners of each county whose population is 400,000 or more shall enact and enforce ordinances requiring the county airport to:

(a) Establish a toll-free telephone number for persons to report information regarding alleged violations of rules or regulations pertaining to aircraft noise, including, without limitation, deviations from established flight paths; and

(b) Compile and maintain a record of each complaint that alleges a violation of a rule or regulation pertaining to aircraft noise.

2. An ordinance enacted pursuant to this section must not apply to any aircraft that is operated:

(a) As an air ambulance, as that term is defined in NRS 450B.030; or

(b) By or in cooperation with a law enforcement agency.

Sec. 6. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act."

Amend the title of the bill to read as follows:

"AN ACT relating to counties; authorizing certain counties to establish an advisory committee on aircraft noise; excluding from the purview of the committee the operation of certain types of aircraft; requiring certain counties to enact and enforce certain ordinances concerning the reporting of certain aircraft noise; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes certain counties to establish advisory committee on aircraft noise and prescribes powers and duties of committee. (BDR 20-154)"

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 490.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 430.

The following Senate amendment was read:

Amendment No. 937.

Amend section 1, pages 1 and 2, by deleting lines 18 through 21 on page 1 and lines 1 through 16 on page 2, and inserting: "*located. The notice must specify the purpose, date, time and location of the hearing.*"

3. *Except as otherwise provided in this subsection, if, after the hearing, the board determines that the unit referenced in the affidavit submitted pursuant to subsection 1 is being used as a dwelling unit, the board may adopt a resolution by the affirmative votes of not less than two-thirds of the total membership of the board to charge the owner pursuant to NRS 318.197 for the services provided by the district to the dwelling unit. The board shall not adopt such a resolution if the owner provides evidence satisfactory to the board that the unit referenced in the affidavit is not being used as a dwelling unit.*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 430.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 413.

The following Senate amendment was read:

Amendment No. 938.

Amend section 1, page 1, line 8, after "*created*" by inserting: "*before July 1, 2001,*".

Amend section 1, page 1, by deleting line 10 and inserting: "*to affect adversely the continued existence of a public agency that*".

Amend sec. 2, page 1, by deleting lines 12 and 13 and inserting:

"Sec. 2. This act becomes effective upon passage and approval."

Amend the title of the bill to read as follows:

"AN ACT relating to cooperative agreements; prohibiting the operation of certain legal entities created by cooperative agreements between public agencies in such a manner as to affect adversely the continued existence of a public agency that is not a party to such an agreement; and providing other matters properly relating thereto."

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 413.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 560.

The following Senate amendment was read:

Amendment No. 933.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting:

~~“and may temporarily stop [the movement of livestock and carcasses for the purpose of inspection.] a vehicle in the enforcement of the provisions of Titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS.”.~~

Amend sec. 4, page 4, line 9, after “*certified.*” by inserting: “*A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.*”.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. The amendatory provisions of section 4 of this act do not apply until July 1, 2002, to a person who has commenced employment as a peace officer before July 1, 2001, and who is required to be certified pursuant to NRS 289.550 but has not been certified by July 1, 2001.”.

Amend the title of the bill by deleting the seventh line and inserting: “personnel as field agents and expanding their authority to stop vehicles temporarily; and providing other matters properly relating thereto.”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 560.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 568.

The following Senate amendment was read:

Amendment No. 1050.

Amend sec. 20, page 10, line 39, after “247.180” by inserting “1.”.

Amend sec. 20, page 10, after line 48, by inserting:

“2. A county recorder who records an instrument pursuant to this section shall, within 7 working days after he records the instrument, provide to the county assessor at no charge:

- (a) A duplicate copy of the instrument and any supporting documents; or
- (b) Access to the digital instrument and any digital supporting documents.”.

Amend sec. 53, page 26, line 12, after “2.” by inserting: “The county recorder shall not record with respect to real property any conveyance of real property or instrument in writing setting forth an agreement to convey real property unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

3.”.

Amend sec. 53, page 26, between lines 13 and 14, by inserting:

“~~[3.]~~ 4. Except as otherwise provided in subsection ~~[4.]~~ 5, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and

mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

~~[4.]~~ 5. If a document described in subsection ~~[3]~~ 4 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.”.

Amend sec. 60, page 28, between lines 41 and 42, by inserting:

“7. A county recorder who records a map or plat pursuant to this section shall, within 7 working days after he records the map or plat, provide to the county assessor at no charge:

- (a) A duplicate copy of the map or plat and any supporting documents; or
- (b) Access to the digital map or plat and any digital supporting documents.”.

Amend sec. 66, page 31, between lines 38 and 39, by inserting:

“4. A county recorder who records a final map pursuant to this section shall, within 7 working days after he records the final map, provide to the county assessor at no charge:

- (a) A duplicate copy of the final map and any supporting documents; or
- (b) Access to the digital final map and any digital supporting documents.”.

Amend the bill as a whole by deleting sec. 73 and adding a new section designated sec. 73, following sec. 72, to read as follows:

“Sec. 73. 1. This section and sections 1 to 11, inclusive, 13 to 19, inclusive, 21 to 52, inclusive, 54 to 59, inclusive, 61 to 65, inclusive, 67 and 69 to 72, inclusive, of this act become effective on July 1, 2001.

2. Sections 20, 53, 60 and 66 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Section 12 of this act becomes effective on July 1, 2003.”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 568.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 314.

The following Senate amendment was read:

Amendment No. 939.

Amend the bill as a whole by deleting sec. 10 and inserting:

“Sec. 10. (Deleted by amendment.)”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 314.

Remarks by Assemblyman Bache.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 182.

The following Senate amendment was read:

Amendment No. 940.

Amend sec. 2, page 2, line 16, by deleting "including" and inserting: "including, without limitation,".

Amend sec. 2, page 2, line 33, by deleting: "but is not limited to:" and inserting "without limitation:".

Amend sec. 2, page 3, line 16, by deleting "including" and inserting: "including, without limitation,".

Amend sec. 2, page 3, by deleting line 19 and inserting: "areas, including, without limitation, natural reservations, parks, parkways, trails, reserved".

Amend sec. 2, page 3, line 27, by deleting "including" and inserting: "including, without limitation,".

Amend sec. 2, page 3, line 49, by deleting "including" and inserting: "including, without limitation,".

Amend sec. 7, page 7, by deleting lines 34 and 35 and inserting: "*incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens*".

Amend sec. 7, page 7, line 39, by deleting: "*at least 15 days*".

Amend sec. 8, page 10, by deleting lines 7 and 8 and inserting: "*incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens*".

Amend sec. 8, page 10, line 12, by deleting: "*at least 21 days*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 182.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 219.

The following Senate amendment was read:

Amendment No. 1001.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. The Legislative Committee on Public Lands is hereby directed to:

1. Monitor the activities of Congress and the Bureau of Land Management relating to the management and protection of wild horses in this state;

2. Urge Congress to provide in a reliable manner an adequate amount of money to support the activities of the Bureau of Land Management in managing and protecting wild horses in this state in accordance with the provisions of the Free-Roaming Wild Horses and Burros Act, 16 U.S.C. §§ 1331, et seq.; and

3. Prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the 72nd session of the Nevada Legislature a written report concerning the activities of the Legislative Committee on Public Lands in carrying out the provisions of this act. The written report must include, without limitation, a discussion and analysis of the progress of the Bureau of Land Management in managing and protecting wild horses in this state in accordance with the provisions of the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331, et seq.

Sec. 2. This act becomes effective upon passage and approval.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, On December 15, 1971, Congress enacted the provisions of the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331, et seq.; and

WHEREAS, The Act was enacted largely because of the efforts of a resident of this state named Velma “Wild Horse Annie” Johnson; and

WHEREAS, Since 1971, it has been the responsibility of the Bureau of Land Management to manage and protect most of the wild horses in this state; and

WHEREAS, Approximately 24,000 wild horses live on public rangelands in this state; and

WHEREAS, The Bureau of Land Management has recently estimated that the public rangelands in this state can support between 14,000 and 15,000 wild horses; and

WHEREAS, The Commission for the Preservation of Wild Horses has stated in its plan for the preservation and protection of wild horses in this state that an appropriate level of management must be established and maintained so that the number of wild horses on the public rangelands in this state is in appropriate balance under the concept of multiple use of the public rangelands; and

WHEREAS, Because of a lack of reliable and adequate funding by Congress during the 30 years since the enactment of the Wild Free-Roaming Horses and Burros Act, the Bureau of Land Management has been unsuccessful in managing wild horses in this state in a manner which achieves an appropriate level of management in accordance with the provisions of that Act; and

WHEREAS, Additional money has recently become available from the Federal Government to carry out the activities and practices that are required to manage wild horses within the limits of their natural habitat; and

WHEREAS, When adopted as a companion, a wild horse displays remarkable toughness, intelligence and adaptability, all of which are traits that have helped wild horses survive in the wild; and

WHEREAS, Since their introduction into the Great Basin and Mojave Desert by Europeans, wild horses have contributed significantly to the economic, social and cultural history of this state; and

WHEREAS, Wild horses are unique animals and deserve assistance in their continuing struggle to survive; now, therefore,."

Amend the title of the bill to read as follows:

"AN ACT relating to wild horses; directing the Legislative Committee on Public Lands to take certain actions relating to wild horses; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Directs Legislative Committee on Public Lands to take certain actions relating to wild horses. (BDR S-1119)".

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 219.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

The following Senate amendment was read:

Amendment No. 935.

Amend section 1, page 1, line 11, by deleting "inclusive." and inserting: "inclusive, and section 1 of *Assembly Bill No. 86 of this [act.] session.*".

Amend sec. 2, page 2, line 11, by deleting "*section must:*" and inserting "*section:*".

Amend sec. 2, page 2, line 12, by deleting "*Be*" and inserting "*Must be*".

Amend sec. 2, page 2, line 15, by deleting "*Include:*" and inserting: "*May include only:*".

Amend sec. 2, page 2, line 19, by deleting "*and*".

Amend sec. 2, page 2, line 21, by deleting "*338.1387.*" and inserting "*338.1387; and*".

Amend sec. 2, page 2, between lines 21 and 22, by inserting:

"(5) *The performance history of the applicant concerning other recent, similar contracts, if any, completed by the applicant.*".

Amend sec. 5, page 3, line 43, by deleting "*shall*" and inserting "*may only*".

Amend the title of the bill to read as follows:

"AN ACT relating to public works; eliminating the provision providing an exemption from qualifying to bid for a public work of this state; requiring the

state public works board to adopt by regulation an additional criteria for the qualification of bidders on a contract for a public work of this state; authorizing the state public works board and the governing body of a local government to determine whether an applicant is qualified to bid by project or for a specified period; allowing the governing body of a local government that does not adopt criteria for the qualification of bidders to accept a bid on a contract for a public work from certain persons; and providing other matters properly relating thereto.”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 461.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 198.

The following Senate amendment was read:

Amendment No. 979.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 5 through 7 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *If an authorized station or authorized inspection station is required to collect a fee pursuant to subsection 1 of NRS 445B.830, the station may charge a customer whose vehicle is inspected by the station the amount of any electronic transmission surcharge that the station incurs to obtain information which the station is required by law to obtain with respect to that customer’s vehicle.*

2. *An electronic transmission surcharge that is charged to a customer pursuant to subsection 1 must be set forth as a separate entry on the form certifying emission control compliance which the authorized station or authorized inspection station provides to the customer.*

3. *As used in this section, “electronic transmission surcharge” means the amount that an authorized station or authorized inspection station is required to pay to a contractor who owns or operates a database for the identification of vehicles for the transmission of information regarding a particular vehicle from the database to the authorized station or authorized inspection station.*

Sec. 3. 1. *If the board of county commissioners of a county is authorized to impose an additional fee for each form certifying emission control compliance, the board shall ensure that 2 percent of any such fee it imposes is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued.*

2. *As used in this section, "additional fee" does not include any fee that is imposed pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 445B.830.*

Sec. 4. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, have the meanings ascribed to them in those sections.”.

Amend sec. 3, page 3, by deleting line 25 and inserting:

“Sec. 7. 1. This section and sections 1, 3, 4 and 6 of this act become effective on July 1, 2001.

2. Section 5 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3. Section 2 of this act becomes effective on January 1, 2002.”.

Amend the title of the bill to read as follows:

“AN ACT relating to air pollution; authorizing certain stations licensed to inspect motor vehicles and devices for the control of pollution to charge a customer a surcharge for the costs of obtaining certain information regarding the customer’s vehicle; authorizing certain stations licensed to inspect motor vehicles and devices for the control of pollution to retain a percentage of certain fees as a commission; revising the provisions relating to expenditures from the pollution control account for purposes relating to air quality; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to inspection of motor vehicles and devices for control of pollution and revises provisions relating to expenditures for air quality. (BDR 40-176)”.

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 198.

Remarks by Assemblyman Goldwater.

Assemblyman de Braga withdrew the motion to concur in the Senate amendment to Assembly Bill No. 198.

Motion carried.

Assembly Bill No. 419.

The following Senate amendment was read:

Amendment No. 980.

Amend sec. 2, page 2, line 9, after “~~members~~,” by inserting:

“Before submitting an application specified in subsection 1, the society shall submit to the sheriff of the county a complete set of the fingerprints of the member, agent or local or district officer of the society to whom the application relates. Upon receipt of the fingerprints, the sheriff shall forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for a report concerning the criminal history of the member, agent or local or district officer of the society. Upon receipt of the report, the sheriff shall forward the

report to the society. The society shall include the report in the application submitted pursuant to subsection 1.

3.”.

Amend sec. 2, page 2, line 13, by deleting:

“3. ~~[All persons resisting]~~” and inserting:

“~~3. All persons resisting~~”

4.”.

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 419.

Remarks by Assemblyman de Braga.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 632.

The following Senate amendment was read:

Amendment No. 695.

Amend section 1, page 2, line 9, by deleting “16” and inserting “12”.

Amend section 1, page 2, line 13, by deleting “board a” and inserting: “board:

(a) A”.

Amend section 1, page 2, line 15, by deleting “hire.” and inserting: “hire; or

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

Amend sec. 2, page 2, line 21, after “operator” by inserting: “and each passenger”.

Amend sec. 2, page 2, by deleting lines 24 through 28 and inserting:

“(c) Unless the operator is at least 12 years of age.”.

Amend the preamble of the bill, page 1, by deleting lines 4 through 6.

Amend the preamble of the bill, page 1, line 9, by deleting “16” and inserting “12”.

Amend the preamble of the bill, page 1, by deleting lines 10 through 12 and inserting:

“WHEREAS, It is estimated that requiring persons less than 12 years of age to wear properly fitted personal flotation devices may decrease by up to 85 percent the rate of fatalities by drowning of such persons; and”.

Amend the preamble of the bill, page 1, line 15, by deleting “16” and inserting “12”.

Amend the title of the bill, second line, by deleting “16” and inserting “12”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits operation of certain vessels unless persons less than 12 years of age are wearing personal flotation devices while vessel is under way. (BDR 43-1487)”.

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 632.

Remarks by Assemblyman de Braga.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 380.

The following Senate amendment was read:

Amendment No. 689.

Amend section 1, page 2, line 13, by deleting "5:" and inserting "[~~5:~~ 6:".

Amend section 1, page 2, by deleting lines 21 and 22 and inserting: "*in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.*".

Amend section 1, page 2, by deleting lines 31 through 43 and inserting:

"5. *In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this state, the present employer shall, except as otherwise provided in subsection 6:*

(a) *Give the administrator the same credit for previous administrative service as he was receiving from his former employer, at the end of his former employment;*

(b) *Give the administrator credit for his final year of service with his former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and*

(c) *Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of his former employer.*

6. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

[~~6:~~] 7. As used in this section [~~,"previous"~~]:

(a) "*Previous administrative service*" means the total of:

(1) *Any period of administrative service for which an administrator received credit from his former employer at the beginning of his former employment; and*

(2) *His period of administrative service in his former employment.*

(b) "*Previous teaching service*" means the total of:

~~[(a)]~~ (1) Any period of teaching service for which a teacher received credit from his former employer at the beginning of his former employment; and

~~[(b)]~~ (2) His period of teaching service in his former employment.”.

Amend the title of the bill by deleting the third and fourth lines and inserting:

“the salary schedule in a classification that is commensurate with the level of education acquired by the teacher; requiring boards of trustees of school districts to give an administrator who has been employed by another school district in this state credit for his previous administrative service and place him on the salary schedule in a classification that is comparable to his former classification; revising provisions governing the employment status of certain”.

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 380.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 459.

The following Senate amendment was read:

Amendment No. 1072.

Amend sec. 5, page 2, lines 16 and 17, by deleting: “*safe, respectful and neutral*” and inserting:

“*safe and respectful*”.

Amend sec. 5, page 2, line 26, by deleting: “*safe, respectful and neutral*” and inserting:

“*safe and respectful*”.

Amend sec. 5, page 2, line 27, by deleting “*full*”.

Amend the bill as a whole by deleting sections 7 through 11 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. *Each school district shall create a publication entitled “Harassment and Intimidation Is Prohibited in Public Schools” which contains a copy of the provisions of sections 2 to 6, inclusive, of this act and provide a copy:*

1. *With each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463; and*

2. *To the parents of each pupil at the beginning of the school year and to the parents of each new pupil who enters school during the year.”.*

Amend the bill as a whole by deleting sec. 13 and renumbering sec. 12 as sec. 8.

Amend the title of the bill by deleting the second through fifth lines and inserting:

“requiring each school district to provide a publication which contains a copy of the provisions of this act to pupils and their parents; and providing other matters properly relating”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning harassment and intimidation in public schools. (BDR 34-1286)”.

Assemblyman Williams moved that the Assembly concur in the Senate Amendment No. 1072 to Assembly Bill No. 459.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1137.

Amend sec. 7, page 2, by deleting lines 36 through 43 and inserting:

“Sec. 7. *Each school district shall include the text of the provisions of sections 3 to 6, inclusive, of this act under the heading “Harassment and Intimidation is Prohibited in Public Schools,” within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.*”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; prohibiting harassment and intimidation in public schools; requiring each school district to disseminate related information to pupils; and providing other matters properly relating thereto.”.

Assemblyman Williams moved that the Assembly concur in the Senate Amendment No. 1137 to Assembly Bill No. 459.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 499.

The following Senate amendment was read:

Amendment No. 1066.

Amend section 1, pages 1 and 2, by deleting lines 14 and 15 on page 1 and lines 1 through 5 on page 2, and inserting: “in determining:

1. Whether older buildings should be renovated or reconstructed or whether new buildings to replace those older buildings should be constructed or purchased [—], *including, without limitation, a determination of the costs to renovate or reconstruct existing buildings and facilities to comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., in comparison with the costs to construct or purchase new buildings and facilities.*

2. The manner in which the board of trustees will expend or disburse money that the board did not otherwise anticipate would be available to finance the renovation or reconstruction of older buildings and the

construction or purchase of new buildings, if such money, in fact, becomes available.”.

Amend sec. 3, page 3, line 6, by deleting “\$200” and inserting “\$90”.

Amend sec. 3, page 3, line 7, by deleting “eight” and inserting “five”.

Amend sec. 4, page 3, by deleting line 22 and inserting:

“Sec. 4. 1. This section and sections 2 and 3 of this act become effective on July 1, 2001.

2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 499.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 113.

The following Senate amendment was read:

Amendment No. 793.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in this subsection, the department, in cooperation with the Pyramid Lake Paiute Tribe, shall design, prepare and issue license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake using any colors that the department deems appropriate. The design of the license plates must include a depiction of Pyramid Lake and its surrounding area. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.*

2. *If the department receives at least 250 applications for the issuance of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake, the department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake pursuant to subsections 3 and 4.*

3. *The fee for license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.*

4. *In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be distributed pursuant to subsection 5.*

5. *The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the state general fund. The state treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Pyramid Lake Paiute Tribe. The fees deposited pursuant to this subsection may only be used to:*

(a) Protect, restore and enhance the water quality and natural resources of or relating to the Lower Truckee River and Pyramid Lake, including, without limitation:

(1) Providing matching money for grants that are available from federal or state agencies for such purposes; and

(2) Paying the costs of the Tribe's portion of joint projects with local, state or federal agencies for such purposes.

(b) Pay for, or match grants for, projects for the enhancement of the economic development of the area surrounding the Lower Truckee River and Pyramid Lake.

(c) Pay for the development and construction of an arena on the Pyramid Lake Indian Reservation for activities pertaining to fairgrounds or rodeos, or both, and to provide financial support for the establishment of a rodeo team or other designated activities at Pyramid Lake High School. Until October 1, 2006, 25 percent of the fees deposited pursuant to this subsection must be used for the purposes described in this paragraph.

6. *If, during a registration year, the holder of license plates issued pursuant to the provisions of subsections 1 to 6, inclusive, disposes of the vehicle to which the plates are affixed, the holder shall:*

(a) Retain the plates and affix them to another vehicle that meets the requirements of subsections 1 to 6, inclusive, if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

7. *Except as otherwise provided in this subsection, the director shall, at the request of the Pyramid Lake Paiute Tribe:*

(a) Order the design and preparation of souvenir license plates that indicate support for the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake; and

(b) Issue such souvenir license plates only to the Pyramid Lake Paiute Tribe for a fee established pursuant to NRS 482.3825. The Pyramid Lake Paiute Tribe may resell such souvenir license plates at a price determined by the Tribe.

The director shall not order the design or preparation of souvenir license plates pursuant to this subsection unless the department has received at least 250 applications for the issuance of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake pursuant to subsections 1 to 6, inclusive.”.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

“Sec. 3. 1. Except as otherwise provided in this subsection, the department, in”.

Amend section 1, page 2, lines 7 and 8, by deleting: “motor vehicle privilege” and inserting “governmental services”.

Amend section 1, page 2, line 11, by deleting: “motor vehicle privilege” and inserting “governmental services”.

Amend sec. 2, page 3, by deleting line 20 and inserting: “482.3825, inclusive, section 1 of Senate Bill No. 414 of this session, ~~and~~ section 1 of Senate Bill No. 77 of this ~~act,~~ session and sections 2 and 3 of this act; or”.

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding a new section designated sec. 5, following sec. 2, to read as follows:

“Sec. 5. NRS 482.3825 is hereby amended to read as follows:

482.3825 1. The director may order the design and preparation of souvenir license plates which are easily distinguishable in design or color from regular license plates. The director may establish a fee for the issuance of such plates of not more than \$15 per plate. The department may issue more than one plate of any particular design.

2. All money collected from the issuance of souvenir license plates must be deposited in the state treasury for credit to the motor vehicle fund.

3. As used in this section, “issuance” does not include the resale of a souvenir license plate.”.

Amend sec. 3, page 3, by deleting line 47 and inserting: “inclusive, section 1 of Senate Bill No. 414 of this session, ~~and~~ section 1 of Senate Bill No. 77 of this ~~act,~~ session and sections 2 and 3 of this act, a fee of \$10.”.

Amend sec. 3, page 4, line 1, by deleting “For” and inserting: “[~~For~~ Except as otherwise provided in section 2 of this act, for”.

Amend sec. 3, page 4, lines 4 and 5, by deleting: “of a decal ~~requested~~ issued” and inserting: “of a decal issued”.

Amend the bill as a whole by renumbering sections 4 and 5 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 3, to read as follows:

“Sec. 7. Sections 2, 4 and 7 of Senate Bill No. 77 of this session are hereby amended to read as follows:

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications he receives to the department within the period prescribed by the department;

(b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive, ~~and~~ section 1 of *Senate Bill No. 414 of this ~~act~~ session and section 1 of this act*; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the department.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, ~~and~~ section 1 of *Senate Bill No. 414 of this act*, session and section 1 of this act, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 7. 1. This section and sections 1, 3, 5 and 6 of this act become effective on October 1, 2001.

2. Sections 2 and 4 of this act become effective at 12:01 a.m. on October 1, 2001.

3. The amendatory provisions of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of a license plate pursuant to subsections 1 to 6, inclusive, of section 1 of this act."

Amend sec. 4, page 4, by deleting lines 21 and 22 and inserting: "of applications it has received for the issuance of license plates pursuant to:

1. Section 2 of this act; and
2. Section 3 of this act.”.

Amend sec. 5, page 4, by deleting lines 23 through 26 and inserting:

“Sec. 9. 1. This section and sections 1, 2, 3, 5, 7 and 8 of this act become effective on October 1, 2001.

2. Sections 4 and 6 of this act become effective at 12:02 a.m. on October 1, 2001.

3. The amendatory provisions of sections 2, 5 and 6 of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to section 2 of this act.

4. The amendatory provisions of section 3 of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to section 3 of this act.”.

Amend the title of the bill, first line, after “vehicles;” by inserting: “providing for the issuance of special license plates and souvenir license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for issuance of special license plates and souvenir license plates to support preservation and restoration of natural environment of Lower Truckee River and Pyramid Lake and provides for issuance of special license plates for support of rodeos. (BDR 43-1005)”.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 113.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 246.

The following Senate amendment was read:

Amendment No. 965.

Amend sec. 2, page 3, by deleting lines 37 through 45 and inserting: “registration fee or governmental services tax on that vehicle is *at least \$35* less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers his ownership or interest, the department shall issue to the person a refund in an amount equal to the difference between the amount owed on the registration fee or governmental services tax on that vehicle and the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers his ownership or interest.”.

Amend sec. 2, page 4, by deleting lines 7 through 11 and inserting:

“6. ~~¶¶~~ *Except as otherwise provided in this subsection, if a person cancels his registration , provides proof to the department that he sold the*

vehicle to which the registration pertains and surrenders to the department his license plates for ~~for~~ the vehicle, the department shall issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. *If the amount of the refund is less than \$35, the department shall not issue the refund.*”.

Amend sec. 4, page 4, line 43, by deleting: “October 1, 2001.” and inserting: “January 1, 2002.”.

Amend the title of the bill by deleting the second and third lines and inserting: “motor vehicles by new residents of this state; revising the provision that authorizes certain pro rata credits or refunds for registrations transferred or canceled under”.

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 246.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320.

The following Senate amendment was read:

Amendment No. 966.

Amend section 1, page 1, by deleting lines 12 through 14 and inserting: “order the destruction of certificates of ~~registration 1 year after they are no longer effective.~~

~~2.] ownership and forms for a power of attorney”.~~

Amend section 1, page 1, line 18, by deleting: “*of registration, certificates*”.

Amend sec. 2, page 2, line 4, after “*breaching a*” by inserting “*consumer*”.

Amend sec. 2, page 2, line 15, after “*breach of*” by inserting “*a consumer*”.

Amend sec. 3, page 2, line 38, after “*breaching a*” by inserting “*consumer*”.

Amend sec. 3, page 3, line 8, after “*breach of*” by inserting “*a consumer*”.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 320.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 220.

The following Senate amendment was read:

Amendment No. 751.

Amend section 1, page 1, line 18, after “*Patrol,*” by inserting: “*a member of the police department of the University and Community College System of Nevada,*”.

Amend section 1, page 2, by deleting lines 23 through 25.

Amend section 1, page 2, line 26, by deleting “(3)” and inserting “(2)”.

Amend section 1, page 2, line 28, by deleting “(4)” and inserting “(3)”.

Amend section 1, page 2, line 30, by deleting “(5)” and inserting “(4)”.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 4 and 5.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 220.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 665.

Amend section 1, page 1, line 9, by deleting “*children*,” and inserting “*children and*”.

Amend section 1, page 1, line 10, by deleting: “*and other needy persons*”.

Amend sec. 2, page 2, line 28, by deleting “*children*,” and inserting “*children and*”.

Amend sec. 2, page 2, line 29, by deleting: “*and other needy persons*”.

Amend the title of the bill by deleting the fifth line and inserting: “neglected children and victims of domestic violence; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes board of county commissioners to impose additional fee for filing certain actions and responses thereto in district courts and justices’ courts to offset costs of providing pro bono programs and of providing legal services without charge to abused or neglected children and victims of domestic violence. (BDR 2-298)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 239.

Remarks by Assemblyman Anderson.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 315.

The following Senate amendment was read:

Amendment No. 792.

Amend sec. 2, page 4, line 7, by deleting: “bureau of alcohol and drug abuse in” and inserting: “health division of”.

Amend sec. 2, page 4, line 9, by deleting “such” and inserting “that”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 315.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 308.

The following Senate amendment was read:

Amendment No. 754.

Amend section 1, page 2, after line 11, by inserting:

“5. Notwithstanding the provisions of this section, if a child is alleged to be delinquent or in need of supervision and if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62.129, the child may waive the right to be represented by an attorney.

(b) A petition is filed, the child may waive the right to be represented by an attorney if the record of the court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the court.”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 308.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 328.

The following Senate amendment was read:

Amendment No. 906.

Amend sec. 3, pages 2 and 3, by deleting lines 33 through 49 on page 2 and lines 1 through 5 on page 3, and inserting:

~~“176A.860 [A convicted person who]~~

~~1. If a person is granted an honorable discharge from probation, [who has] not sooner than 6 months after his honorable discharge, the person may apply to the division to request a restoration of his civil rights if the person:~~

~~(a) Has not previously been restored to his civil rights [and who is]; and~~

~~(b) Has not been convicted of any offense greater than a traffic violation [within 6 months after the discharge, may apply] after his honorable discharge.~~

~~2. If a person applies to the division to request a restoration of his civil rights [The application must be accompanied by], the person must submit with his application a current, certified record of [the applicant's] his criminal history received from the central repository for Nevada records of criminal history. If the division determines after an investigation that the [applicant] person meets the requirements of this section, [it] the division shall petition the court in which the [applicant] person was convicted for an order granting the restoration [of] of his civil rights. If the division refuses to submit such a petition, the [applicant] person may, after notice to the~~

division, directly petition the court for *an order granting the restoration of his civil rights.*”.

Amend sec. 5, page 3, by deleting lines 14 through 43 and inserting:

“453.3365, a person ~~[who has been convicted of]~~ *may petition the court in which he was convicted for the sealing of all records relating to a conviction of:*

(a) ~~[Any felony may,]~~ *A category A or B felony after 15 years from the date of his [conviction or, if he is imprisoned, from the date of his] release from actual custody [;] or discharge from parole or probation, whichever occurs later;*

(b) *A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;*

(c) *A category E felony after 10 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;*

(d) Any gross misdemeanor ~~[may, after 10]~~ *after 7 years from the date of his [conviction or] release from actual custody [;*

~~(e)] or discharge from probation, whichever occurs later;~~

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony , ~~[may,]~~ *after 7 years from the date of his [conviction or,] release from actual custody [; or*

~~(d)] or from the date when he is no longer under a suspended sentence, whichever occurs later;~~ *or*

(f) Any other misdemeanor ~~[may, after 5]~~ *after 3 years from the date of his [conviction or] release from actual custody [;*
~~petition the court in which the conviction was obtained for the sealing of all records relating to the conviction.] or from the date when he is no longer under a suspended sentence, whichever occurs later.”.~~

Amend sec. 11, page 7, line 29, by deleting “shall” and inserting: “~~[shall]~~ must”.

Amend sec. 11, page 7, by deleting line 30 and inserting: “certificate of ~~[pardon,]~~ *pardon* and , when granted upon conditions, limitations or”.

Amend sec. 11, page 7, line 31, by deleting “shall” and inserting: “~~[shall]~~ must”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 328.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 500.

The following Senate amendment was read:

Amendment No. 911.

Amend sec. 2, page 1, line 14, by deleting “their deputies.” and inserting “their officers.”.

Amend sec. 2, page 2, line 3, after “stop.” by inserting: “However, a local law enforcement agency must not be required to use a specific computer program or system to collect and transmit information regarding each traffic stop.”.

Amend sec. 2, page 2, line 8, by deleting “ethnicity,” and inserting “ethnicity and”.

Amend sec. 2, page 2, by deleting line 9 and inserting: “whether the driver was an adult or juvenile.”.

Amend sec. 2, page 2, by deleting lines 15 and 16.

Amend sec. 2, page 2, line 17, by deleting “(e)” and inserting “(d)”.

Amend sec. 2, page 2, line 21, by deleting “(f)” and inserting “(e)”.

Amend sec. 2, page 2, line 24, by deleting “(g)” and inserting “(f)”.

Amend sec. 2, page 2, line 26, by deleting “(h)” and inserting “(g)”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 500.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

The following Senate amendment was read:

Amendment No. 844.

Amend section 1, page 1, line 13, by deleting “*court*” and inserting: “*court, after reviewing the evidence before it,*”.

Amend section 1, page 2, line 7, after “*of*” by inserting: “*subsections 1, 2 and 3 of*”.

Amend section 1, page 2, line 9, after “5.” by inserting: “*The provisions of this section do not apply to:*”

(a) *A client of Lakes Crossing center;*

(b) *A client who is less than 18 years of age; or*

(c) *A client who is in a facility that primarily provides services for mentally retarded persons.*

6.”.

Amend sec. 5, page 3, line 13, by deleting “[~~—~~” and inserting: “[~~—~~, including, without limitation, the documents required pursuant to NRS 433A.210,”.

Amend sec. 6, page 3, lines 25 and 26, by deleting: “*under NRS 433A.145 or 433A.150*”.

Amend sec. 6, page 3, by deleting lines 34 through 37 and inserting: “*evaluation, observation and treatment* [~~under NRS 433A.150 and may transport~~]; *and*

(2) *Transport the allegedly mentally ill person or arrange the transportation for him with a local law enforcement agency to a public or*".

Amend sec. 6, page 4, lines 1 and 2, by deleting:

"treatment under NRS 433A.150;" and inserting *"treatment;"*.

Amend sec. 6, page 4, by deleting lines 12 through 24 and inserting:

"The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in".

Amend sec. 6, page 4, line 33, by deleting "[2] 3" and inserting "2".

Amend sec. 10, page 6, between lines 44 and 45, by inserting:

"3. The provisions of this section do not preclude a facility from discharging a person before the time set pursuant to this section for the hearing concerning the person, if appropriate."

Amend sec. 11, page 7, line 6, by deleting: *"NRS 433A.145 or 433A.150,"* and inserting: *"an application made pursuant to NRS [433A.150,] 433A.160,"*.

Amend sec. 11, page 7, line 11, by deleting: *"NRS 433A.145 or 433A.150,"* and inserting: *"an application made pursuant to NRS [433A.150,] 433A.160,"*.

Amend sec. 11, page 7, line 23, by deleting: *"NRS 433A.145 or 433A.150,"* and inserting: *"an application made pursuant to NRS [433A.150,] 433A.160,"*.

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to health; restricting the authority of a mental health facility to override certain clients' refusals of medication; making various changes to procedures for the".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 550.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Assembly Bill No. 115.

Bill read third time.

Roll call on Assembly Bill No. 115:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Roll call on Assembly Bill No. 503:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Roll call on Assembly Bill No. 504:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506.

Bill read third time.

Roll call on Assembly Bill No. 506:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Roll call on Assembly Bill No. 514:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 516.

Bill read third time.

Roll call on Assembly Bill No. 516:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 516 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 520.

Bill read third time.

Roll call on Assembly Bill No. 520:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 522.

Bill read third time.

Roll call on Assembly Bill No. 522:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 523.

Bill read third time.

Roll call on Assembly Bill No. 523:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 525.

Bill read third time.

Roll call on Assembly Bill No. 525:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Roll call on Assembly Bill No. 526:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Assembly Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 567.

Bill read third time.

Roll call on Assembly Bill No. 567:

YEAS—40.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Humke.

Assembly Bill No. 567 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1116.

Amend sec. 3, page 4, by deleting lines 35 through 40 and inserting:

- “(1) *Pass the regular high school proficiency examination [-] ;*
- (2) Pass the alternative high school proficiency examination; or*
- (3) Satisfy the other requirements for graduation from high school.”.*

Amend the bill as a whole by deleting sections 6 and 7 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

“Sec. 6. 1. *A pupil, including, without limitation, a pupil with a disability and a pupil whose primary language is not English, is eligible to receive a high school diploma designated as a mastery diploma if he passes the regular high school proficiency examination and otherwise satisfies the requirements for receipt of a high school diploma.*

2. *A pupil with a disability or a pupil whose primary language is not English is eligible to receive a high school diploma designated as a standard diploma if he passes the alternative high school proficiency examination prescribed by the department pursuant to subsection 6 and otherwise satisfies the requirements for receipt of a high school diploma, as set forth in the pupil’s individualized education program, if applicable.*

3. *A pupil, including, without limitation, a pupil with a disability and a pupil whose primary language is not English, is eligible to receive a high diploma designated as an adjusted diploma if he does not pass the regular high school proficiency examination or the alternative high school proficiency examination, but he otherwise satisfies the requirements for graduation from high school.*

4. *A pupil who does not satisfy the requirements for receipt of a high school diploma may receive a certificate of attendance in lieu of a diploma if he has reached the age of 17 years.*

5. *A pupil’s individualized education program must indicate whether the pupil intends to obtain a mastery diploma, standard diploma, adjusted diploma or certificate of attendance.*

6. *The department shall develop an alternative high school proficiency examination for use in lieu of the regular high school proficiency examination for pupils with disabilities and pupils whose primary language*

is not English to receive a standard diploma. The provisions of NRS 389.015 and 389.017 regarding the administration and reporting of examinations apply to the alternative high school proficiency examination.

7. *As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 7. *If a pupil who is enrolled in grade 12 has failed the regular high school proficiency examination and the examination will be administered to him for a final time during the regular school year, the board of trustees of the school district in which the pupil is enrolled or the governing body of the charter school in which the pupil is enrolled shall, at least 21 school days before the commencement of the administration of the examination, provide written notice to the parent or legal guardian of the pupil of the date scheduled for the administration of the examination and the provisions of this section. At least 5 school days before the administration of the examination, the parent or legal guardian of the pupil shall submit a written statement to the board of trustees of the school district in which the pupil is enrolled or the governing body of the charter school in which the pupil is enrolled indicating that the parent or legal guardian understands and accepts full responsibility for the consequences that may result if his child does not pass the high school proficiency examination, including, without limitation, ineligibility for a mastery diploma and ineligibility for the scholarships that may require passing scores on the high school proficiency examination. The provisions of this section do not apply to a pupil with a disability or a pupil whose primary language is not English if the pupil has satisfied the requirements for receipt of a standard high school diploma."*

Amend sec. 8, page 8, line 41, after "(d)" by inserting:

"Administered in each school in accordance with the plan adopted pursuant to section 2 of *Assembly Bill No. 214* of this ~~act~~ session by the department and with the plan adopted pursuant to section 4 of *Assembly Bill No. 214* of this ~~act~~ session by the board of trustees of the school district in which the examinations are administered. The department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the department.

(e)".

Amend sec. 8, page 10, by deleting lines 13 through 20 and inserting:

"6. If a pupil fails to pass the *regular high school proficiency examination* ~~administered before the completion of grade 11,~~ or the *alternative high school proficiency examination, if applicable, he must receive an adjusted high school diploma if he otherwise satisfies the requirements for receipt of a high school diploma. If such a pupil does not otherwise satisfy the requirements for receipt of a high school diploma, he must not be graduated until he is able, through remedial study, to pass the*

appropriate proficiency examination ~~[]~~ or otherwise satisfy the requirements for receipt of a high school diploma, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years. The school in which such a pupil is enrolled shall allow the pupil to participate in the graduation ceremony of the school to receive his certificate of attendance.”.

Amend sec. 8, page 10, line 21, by deleting “The” and inserting:

“~~[The]~~ Except for the alternative high school proficiency examination developed by the department pursuant to section 6 of this act, the”.

Amend sec. 9, page 12, line 44, by deleting “~~for~~” and inserting “or”.

Amend sec. 9, page 12, line 47, by deleting: “examinations ~~[]~~ ; or” and inserting “examinations.”.

Amend sec. 9, page 12, by deleting lines 48 and 49.

Amend sec. 11, page 13, line 19, after “agency” by inserting: “and the school police, if applicable,”.

Amend sec. 11, page 13, line 20, by deleting “agency.” and inserting: “agency and a form for filing a complaint with the school police, if applicable.”.

Amend sec. 11.3, page 13, by deleting line 36 and inserting: “publish a list of model alternative discipline programs for”.

Amend sec. 11.3, page 13, line 40, after “model” by inserting “alternative discipline”.

Amend sec. 11.3, page 13, line 43, after “model” by inserting “alternative discipline”.

Amend sec. 11.3, page 13, line 45, after “model” by inserting “alternative discipline”.

Amend sec. 11.3, page 13, by deleting lines 47 and 48 and inserting: “appropriate model alternative discipline program is available. Each school district shall ensure that each”.

Amend sec. 11.3, page 14, by deleting lines 1 through 6 and inserting: “within the school district establishes an appropriate model alternative discipline program.”.

Amend sec. 11.3, page 14, line 7, after “model” by inserting “alternative discipline”.

Amend sec. 11.3, page 14, line 8, after “model” by inserting “alternative discipline”.

Amend sec. 20, page 19, line 25, after “disabilities” by inserting: “for receipt of a mastery diploma”.

Amend sec. 21, page 19, by deleting lines 35 through 40 and inserting: “develop an alternative high school proficiency examination for use in lieu of the regular high school proficiency examination for pupils with disabilities and pupils whose primary language is not English to receive a standard diploma pursuant to section 6 of this act. The alternative high school proficiency examination must be available for use commencing with the 2002-2003 school year. The department may conduct selected reviews of the

alternative high school proficiency examination in the fall semester of 2002.”.

Amend sec. 23, page 20, by deleting lines 7 through 27 and inserting: “shall prepare and publish a list of model alternative discipline programs for pupils pursuant to section 11.3 of this act.

2. On or before November 1, 2002, each school district shall:

(a) Determine which model alternative discipline programs approved by the department of education will be most effective in the school district;

(b) Adopt those model alternative discipline programs identified in paragraph (a) that will be established by each elementary school, junior high school, middle school and high school of the school district; and

(c) Notify the department of education of the model alternative discipline programs adopted by the school district.

3. During the 2002-2003 school year, each school district shall plan and budget for the implementation of the model alternative discipline programs in the school district. A school district shall budget for the model alternative discipline programs by:

(a) Eliminating the programs of discipline currently carried out in the school district that do not comply with the model alternative discipline programs and are not included on the list prepared by the department of education; and

(b) Including the costs of the model alternative discipline programs adopted by the school district in the budget of the school district.

4. Each school district shall ensure that the model alternative discipline programs adopted by the school district are carried out not later than the school year commencing in 2003.”.

Amend the bill as a whole by deleting sec. 24 and inserting:

“Sec. 24. (Deleted by amendment.)”.

Amend sec. 26, page 20, line 37, by deleting “8” and inserting “9”.

Amend sec. 26, page 20, line 39, after “3.” by inserting:

“Section 8 of this act becomes effective at 12:01 a.m. on July 1, 2001.

4.”.

Amend the title of the bill by deleting the third through eighth lines and inserting: “diplomas that may be issued to pupils; revising provisions governing the administration of the achievement and proficiency examinations; requiring the department of education to adopt model alternative discipline programs for pupils; requiring each school district to adopt appropriate model alternative discipline programs for use in the schools within the”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 429.

The following Senate amendment was read:

Amendment No. 909.

Amend section 1, page 1, line 2, by deleting: 2, 3 and 4” and inserting “2 and 3”.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 7 as sections 2 through 6.

Amend sec. 3, page 1, lines 12 and 13, by deleting: 432B.410 to 432B.465, inclusive, and”.

Amend sec. 3, page 2, line 3, by deleting “proceeding or” and inserting “proceeding and”.

Amend sec. 3, page 2, line 6, by deleting “child or” and inserting “child and”.

Amend sec. 4, page 2, line 21, by deleting “proceeding or” and inserting “proceeding and”.

Amend sec. 6, page 3, line 26, by deleting “3” and inserting “2”.

Amend sec. 7, page 3, line 30, by deleting “3” and inserting “2”.

Amend sec. 7, page 4, line 13, by deleting “child or” and inserting “child and”.

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 7, to read as follows:

“Sec. 7. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent him. The court may, if it finds it appropriate, appoint an attorney to represent the child. *The child may be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.*

2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney, as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an

attorney appointed to represent a person charged with a crime. Except as otherwise provided in NRS 432B.500, an attorney appointed to represent a child may also be appointed as guardian ad litem for the child. He may not receive any compensation for his services as a guardian ad litem.”.

Amend sec. 8, page 5, line 30, by deleting “3” and inserting “2”.

Amend sec. 9, page 6, line 3, by deleting “3” and inserting “2”.

Amend sec. 11, page 7, line 3, by deleting “3” and inserting “2”.

Amend sec. 12, page 9, line 47, by deleting “4” and inserting “3”.

Amend the bill as a whole by deleting sections 13 and 14, renumbering sections 15 and 16 as sections 14 and 15, and adding a new section designated sec. 13, following sec. 12, to read as follows:

“Sec. 13. NRS 128.100 is hereby amended to read as follows:

128.100 1. In any proceeding for terminating parental rights, or any rehearing or appeal thereon, the court may appoint an attorney to represent the child as his counsel and, if the child does not have a guardian ad litem appointed pursuant to NRS 432B.500, as his guardian ad litem. *The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.*

2. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney for them.

3. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.”.

Amend sec. 15, page 11, by deleting lines 15 through 23 and inserting:

“A minor ward or proposed minor ward who is the subject of proceedings held pursuant to this chapter may be represented by an attorney at all stages of the proceedings. If the minor ward or proposed minor ward is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.”.

Amend the title of the bill by deleting the first through eighth lines and inserting:

“AN ACT relating to the protection of children; providing that a child may be represented by an attorney in certain proceedings that involve the child and that his attorney has certain authority and rights; requiring each person who submits a report or information to a court for consideration in certain proceedings concerning protective services for a child to provide a copy of the report or information to the parent or guardian of the child and the attorney of the parent or guardian within a certain time before the proceeding; providing that such a proceeding may be continued under certain circumstances; providing that the parent or guardian and the attorney of the parent”.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 909 to Assembly Bill No. 429.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1068.

Amend sec. 2, page 1, line 3, by deleting “A” and inserting: “*Except as otherwise provided in subsection 3, a*”.

Amend sec. 2, page 1, line 12, by deleting “as” and inserting “if”.

Amend sec. 2, page 2, line 8, after “3.” by inserting: “*If a child was delivered to a provider of emergency services pursuant to section 1 of Senate Bill No. 191 of this session and the location of the parent of the child is unknown, a copy of a report or information described in subsection 1 need not be sent to that parent or his attorney pursuant to subsection 1.*

4.”.

Amend sec. 9, page 6, line 32, by deleting “A” and inserting: “Except as otherwise provided in this subsection, a”.

Amend sec. 9, page 6, line 34, after “child.” by inserting: “If the child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191 of this* ~~act~~ *session* and the parent has not appeared in the action, the report need not be sent to that parent.”.

Amend sec. 9, page 6, line 40, by deleting “Notice” and inserting: “Except as otherwise provided in this subsection and paragraph (c) of subsection 4 of NRS 432B.520, notice”.

Amend sec. 9, page 6, lines 45 and 46, by deleting: “child, except” and inserting: “child. Notice of the hearing need not be given to”.

Amend the title of the bill, seventh line, by deleting “proceeding;” and inserting: “proceeding under certain circumstances;”.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 1068 to Assembly Bill No. 429.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 15, 125, 177, 197, 202, 227, 259, 278, 282, 295, 386, 414, 465, 553, 557, 558, 569, 605, 607, 634; Senate Bills Nos. 6, 54, 165, 196, 201, 243, 257, 260, 352, 396, 535.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Carter, Karen Tuggle, Linda Holmstead, Mary Ann Matheson, Sheryl Belshaw, Jeff Allen, Leila Aman, Michael Barnes, Morgan Barone, Jessica Berry, Jessica Boles,

Matt Buccumbuso, Jessi Chitwood, Brian Clugage, Torrie Cornelius, Steven Dotts, Ricky Dudley, Robert Dykes, Conner Egan, Matt Golden, Trevor Jarland, Shauna Johnson, Kevin Kelley, Elliot Liebowitz, Philip Mannelly, Lindsey Larkin, Bonnie Matheson, Blake Maxwell, Matt McIver, Amanda McRae, Heather Morales, Shawnee Mullins, Samantha Nyblom, Sarah Riley, Andy Pozun, Blake Smith, Andrew Stephenson, Alicia Sturgess, Kattie Waggoner, Connor Witt, Skylar Young, Faith Kennard, Deon Brown, Jese Moniz, L.J. Willette, Teddi Griffin, Brooke Allred, Allison Andraski, Brittany Baird, Tiffany Burens, Genine Crim, Meghan Emerson, Steven Forster, Leo Frediani, Molly Golden, Tim Gunsten, Kristen Haltom, Alex Hulsey, Cody Katsaris, Matt Koerner, Erik Philips, Kelly Sullivan, Paul Tolman, Monica Underwood, Natalie Walker, Jennifer Ramirez, Jessica Harmon and Tony Maresca.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle O'Malley, Lindsay Sharp, Abby Lane, Nicole Jurzenski, Ben Johnson, Max Glasson, Stephanie Evans, Matt Johnson, Ashley Wines, Alicia Thorne, Kim McGlothlin, Hayley Shaw, Janette Bak, Eimile Kersten-Wines, Katlin Willens, Jenna Hayes, Krystie Macdonald, Nick Summers, Jay Tuttle, Devin Farnsworth, Courtney Greenwood and Kyle Olsen.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Butler, Luke Ackerman, Moises Alvarez, Emerald Apley, John Aragon, Steven Atwell, Karly Chelius, Augustus Clayton, Jared Clemmensen, Dylan Cool, Chelsea Fenn, Michael Fox, Dylan Martin, Cody Metcalf, Sarah Maier, Shirley Sanchez, Alyssa Sharp, Tyler Short, Stephanie Clark, Oddetta Coughlin, Willow Evans and Lise Schneider.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsea Correia.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 30, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:50 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

**The
Journal of the
Assembly**

**OF THE
SEVENTY-FIRST SESSION**

**OF THE
LEGISLATURE OF THE
STATE OF NEVADA**

2001



**BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND
ENDED ON MONDAY, THE FOURTH DAY OF JUNE**

VOLUME 3

**THE ONE HUNDRED AND FIFTEENTH DAY—
THE ONE HUNDRED AND TWENTIETH DAY**

SEE VOLUME 1 FOR TABLE OF CONTENTS

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THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 30, 2001

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Gibbons and Humke, who were excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

God in Heaven,

WHEREAS, You created all that we see out of nothing; and

WHEREAS, You gave us all life and created us in Your very image; and

WHEREAS, You have given us the responsibility of governing things here on earth; and

WHEREAS, We have not always done it well; and

WHEREAS, We have fallen and on our own cannot get up; and

WHEREAS, You are God, and we are not; now, therefore, be it

RESOLVED, That during this last week of this session of the 2001 Nevada State Legislature, we beseech You for Your very presence among us. And be it further

RESOLVED, that the Chief Clerk of the Assembly prepare and transmit a copy of this request into the Daily Journal.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Parks moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

SPECIAL ORDERS OF THE DAY

The hour of 11:15 a.m. having arrived, vetoed Assembly Bills No. 481 of the 71st Session was considered.

Vetoed Assembly Bill No. 481 of the 71st Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, May 24, 2001

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, Nevada State Assembly,
Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701-4947

DEAR SPEAKER PERKINS:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 481, which is entitled:

AN ACT relating to motor vehicles; prohibiting in certain circumstances a person from operating a sound amplification system in a motor vehicle in a certain manner; providing a penalty; and providing other matters properly relating thereto.

For the reasons set forth below, I must veto Assembly Bill 481. The provisions of Assembly Bill 481, with certain exceptions, would amend Chapter 484 of NRS to mandate that,

the driver of a motor vehicle shall not operate or allow the operation of a sound amplification system in the motor vehicle in such a manner that the sound emanating from the sound amplification system is audible from a distance of more than 25 feet from the motor vehicle when the motor vehicle is being operated upon a highway.

I believe the sponsors of this bill were well intentioned when they proposed this legislation. However, in my opinion, it is better public policy to have local governments regulate the type of behavior described in Assembly Bill 481 in a manner that best satisfies the needs of their local jurisdictions. Also, I cannot support this legislation as written. The language of this bill is of such a subjective nature that it would unduly burden the efforts of law enforcement officers to enforce this legislation. The subjective language within this bill would undoubtedly cause law enforcement agencies to face numerous court challenges from ticketed drivers on the grounds that the sounds emanating from their motor vehicle were not audible from a distance of 25 feet or that this law was being selectively enforced against some of our citizens. Therefore, in my opinion, this bill as written would not constitute good public policy.

Sincerely,
Kenny C. Guinn
Governor

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Chowning, Brower and Beers.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 481:

YEAS—15.

NAYS—Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Dini, Giunchigliani, Goldwater, Gustavson, Hettrick, Leslie, Manendo, Marvel, Neighbors, Nolan, Smith, Tiffany, Von Tobel, Williams—25.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 481 having failed to received a two-thirds majority, Mr. Speaker declared the veto sustained.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that the action whereby the Assembly refused to concur in Amendment No. 844 to Assembly Bill No. 550 be rescinded.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 564 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Concurrent Resolution No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 194, 232, 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which were referred Senate Bills Nos. 137, 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 508, 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 235, 273; Senate Bill No. 578.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 234, Amendment No. 1093; Assembly Bill No. 641, Amendment No. 1094, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 60, Senate Amendment No. 658, and requests a conference, and appointed Senators Porter, Titus and O'Donnell as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 162, Senate Amendment No. 567, and requests a conference, and appointed Senators McGinness, Washington and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 555, Amendment No. 929, and requests a conference, and appointed Senators Rawson, O'Donnell and Mathews as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 620, Senate Amendment No. 852, and requests a conference, and appointed Senators Shaffer, Rhoads and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 428, 444, 451, 452, 462, 464, 491, 494.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 861 to Senate Bill No. 27; Assembly Amendment No. 825 to Senate Bill No. 38; Assembly Amendment No. 729 to Senate Bill No. 61; Assembly Amendment No. 975 to Senate Bill No. 133; Assembly Amendment No. 678 to Senate Bill No. 182; Assembly Amendment No. 954 to Senate Bill No. 210; Assembly Amendment No. 838 to Senate Bill No. 245; Assembly Amendment No. 860 to Senate Bill No. 297; Assembly Amendment No. 867 to Senate Bill No. 301; Assembly Amendment No. 807 to Senate Bill No. 317; Assembly Amendment No. 898 to Senate Bill No. 330; Assembly Amendment No. 881 to Senate Bill No. 405; Assembly Amendment No. 801 to Senate Bill No. 412; Assembly Amendment No. 914 to Senate Bill No. 425; Assembly Amendment No. 827 to Senate Bill No. 530; Assembly Amendment No. 1110 to Senate Bill No. 539; Assembly Amendment Nos. 886, 992 to Senate Bill No. 544; Assembly Amendment No. 800 to Senate Bill No. 548; Assembly Amendment No. 828 to Senate Bill No. 552; Assembly Amendment Nos. 698, 786 to Senate Bill No. 563; Assembly Amendment No. 773 to Senate Bill No. 569.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 866 to Senate Bill No. 25; Assembly Amendment Nos. 771, 840 to Senate Bill No. 62; Assembly Amendment No. 894 to Senate Bill No. 83; Assembly Amendment No. 996 to Senate Bill No. 99; Assembly Amendment No. 895 to Senate Bill No. 171; Assembly Amendment No. 974 to Senate Bill No. 320; Assembly Amendment No. 955 to Senate Bill No. 362; Assembly Amendment No. 880 to Senate Bill No. 399; Assembly Amendment No. 897 to Senate Bill No. 551.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Carlton and O'Connell as a first Conference Committee concerning Senate Bill No. 418.

MARY JO MONGELLI

Assistant Secretary of the Senate

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Brown and Parnell as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 60.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 40—Requesting the return to the Assembly from the Governor's office of Assembly Bill No. 302 of this session.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Beers and Dini.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 40 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Parks moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 428.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 444.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 451.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 452.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 462.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 464.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 491.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 494.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 578.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Senate Concurrent Resolution No. 24 be placed on the Resolution File.

Motion carried.

Assemblyman Parks moved that Senate Bills Nos. 194, 232 and 241 be placed on the Second Reading File.

Motion carried.

Assemblyman Parks moved that Assembly Bills Nos. 508 and 596 be placed on the Second Reading File.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 343 be placed on the General File.

Motion carried.

Assemblyman Parks moved that the reading of histories of all Bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 194.

Bill read second time and ordered to third reading.

Senate Bill No. 232.

Bill read second time and ordered to third reading.

Senate Bill No. 241.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 194 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 232 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 241 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 508.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1162.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. There is hereby appropriated from the state general fund to the State Department of Conservation and Natural resources the sum of \$169,411 for new and replacement equipment for the Division of Water Resources.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 2. There is hereby appropriated from the state general fund to the account for the channel clearance, maintenance, restoration, surveying and monumenting program created by NRS 532.230 the sum of \$100,000.”.

Amend the title of the bill to read as follows:

“AN ACT making appropriations to the State Department of Conservation and Natural Resources for new and replacement equipment for the Division of Water Resources and to the account for the channel clearance, maintenance, restoration, surveying and monumenting program.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to State Department of Conservation and Natural Resources for new and replacement equipment for Division of Water Resources and to account for the channel clearance, maintenance, restoration, surveying and monumenting program. (BDR S-1394)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 596.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1161.

Amend section 1, page 1, line 2, by deleting “\$20,209” and inserting “\$13,380”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblywomen Parnell and Giunchigliani.

Roll call on Assembly Bill No. 209:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Cegavske, Freeman, Hettrick and Gustavson.

Roll call on Assembly Bill No. 319:

YEAS—36.

NAYS—Angle, Gustavson, Ocegueda, Smith—4.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.

Bill read third time.

Roll call on Assembly Bill No. 505:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Roll call on Assembly Bill No. 510:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

Roll call on Assembly Bill No. 519:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.

Bill read third time.

Roll call on Assembly Bill No. 521:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 588.

Bill read third time.

Roll call on Assembly Bill No. 588:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 588 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 612.

Bill read third time.

Roll call on Assembly Bill No. 612:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 612 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 658.

Bill read third time.

Roll call on Assembly Bill No. 658:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Assembly Bill No. 658 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 247.

Bill read third time.

Roll call on Senate Bill No. 247:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Humke—2.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 564.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1144.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sec. 6 as section 1.

Amend sec. 6, page 4, by deleting lines 5 through 10 and inserting: "*officers and employees and their dependents.*".

Amend sec. 6, page 4, line 34, by deleting: "*and section 3 of this act.*".

Amend sec. 6, page 5, line 4, by deleting "[~~retirement and~~]" and inserting "retirement and".

Amend sec. 6, page 5, lines 5 and 6, by deleting: "[~~NRS 218.5373~~] *section 7 of this act.*" and inserting "NRS 218.5373."

Amend the bill as a whole by deleting sections 7 through 11 and adding new sections designated sections 2 through 4, following sec. 6, to read as follows:

"Sec. 2. NRS 287.0434 is hereby amended to read as follows:

287.0434 The board may:

1. Use its assets to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of the program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:

(a) Must be submitted to the commissioner of insurance not less than 30 days before the date on which the contract is to become effective for approval as to the reasonableness of administrative charges in relation to contributions collected and benefits provided.

(b) Does not become effective unless approved by the commissioner.

(c) Shall be deemed to be approved if not disapproved by the commissioner of insurance within 30 days after its submission.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of

members and covered dependents. *The board shall not enter into a contract pursuant to this subsection unless provision is made by the board to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the board.*

4. Enter into contracts for the services of other experts and specialists as required by the program.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the board, the state or a participating public employer in administering a plan of insurance offered by that insurer, organization or corporation.

Sec. 3. On or after January 1, 2002, the board of the public employees' benefits program shall not enter into or renew any contract that does not comply with subsection 3 of NRS 287.0434, as amended by this act.

Sec. 4. This act becomes effective on January 1, 2002.”.

Amend the title of the bill to read as follows:

“AN ACT relating to programs for public employees; requiring the commingling of the claims experience of active and retired state employees to determine rates and coverage; prohibiting the board of the public employees' benefits program from entering into certain contracts; requiring the board to provide an annual report regarding the administration and operation of the program to the director of the legislative counsel bureau; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1088.

Amend sec. 10, page 6, line 34, by deleting “2,” and inserting “3,”.

Amend sec. 10, page 6, line 40, by deleting “agency; and” and inserting “agency.”.

Amend sec. 10, page 7, by deleting line 3 and inserting:

“(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127.186 that he has any special needs.

2. The ~~[division]~~ agency which provides child welfare services or child-placing agency shall obtain from the adopting parents written confirmation that the adopting parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any”.

Amend sec. 12, page 7, by deleting lines 39 through 44 and inserting: "child-placing agency shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the proposed adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the proposed adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available."

Amend sec. 12, page 7, line 46, by deleting: "and court costs".

Amend sec. 12, page 7, line 48, after "parents" by inserting: "of a child with special needs".

Amend sec. 12, page 8, by deleting line 2 and inserting: "writing the grant of financial assistance."

Amend sec. 12, page 8, lines 5 and 6, by deleting: "The agreement does not become effective until" and inserting: "Such an agreement must not become effective before".

Amend sec. 12, page 8, between lines 20 and 21, by inserting:

"8. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the ~~[division]~~ agency which provides child welfare services or child-placing agency consents to the adoption of such a child pursuant to this section."

Amend sec. 12, page 8, line 21, by deleting "8." and inserting "9."

Amend sec. 21, page 12, line 42, before "The" by inserting "1."

Amend sec. 21, page 12, by deleting lines 43 and 44 and inserting: "*provides child welfare services*, shall adopt regulations setting forth the criteria to be used by ~~the~~".

Amend sec. 21, page 12, line 47, by deleting "adoption; and" and inserting "adoption."

Amend sec. 21, pages 12 and 13, by deleting lines 48 and 49 on page 12 and lines 1 through 4 on page 13, and inserting:

"2. Upon the completion of an investigation conducted by ~~[the division]~~ an agency which provides child welfare services or a ~~[licensed]~~ child-placing agency pursuant to NRS 127.120 or 127.2805, the ~~[division]~~ agency which provides child welfare services or child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the ~~[division]~~ agency which provides child welfare services or child-placing agency shall provide the prospective adoptive parent or parents with

an opportunity to review and respond to the investigation with the ~~[division]~~ agency which provides child welfare service or child-placing agency before the”.

Amend the bill as a whole by deleting sections 35 through 41 and inserting:

“Secs. 35-41. (Deleted by amendment.)”.

Amend sec. 69, page 31, by deleting lines 13 and 14, and inserting: “the amount to be paid to each of them,”.

Amend the bill as a whole by deleting sections 81 and 82 and inserting:

“Secs. 81 and 82. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 84 and inserting:

“Sec. 84. (Deleted by amendment.)”.

Amend sec. 90, page 38, line 35, by deleting “Immunity” and inserting: “Except as otherwise provided in subsection 2, immunity”.

Amend sec. 90, page 38, by deleting lines 47 and 48 and inserting:

“(f) Holds a child pursuant to NRS 432B.400, takes possession of a child pursuant to section 1 of *Senate Bill No. 191* of this ~~[act]~~ session or places a child in protective custody pursuant to any provision of this chapter;”.

Amend sec. 90, page 39, line 1, after “(g)” by inserting: “Performs any act pursuant to subsection 2 of section 1 of *Senate Bill No. 191* of this ~~[act]~~ session;

(h)”.

Amend sec. 90, page 39, line 3, by deleting “(h)” and inserting “(i)”.

Amend sec. 90, page 39, line 5, after “2.” by inserting: “The provisions of subsection 1 do not confer any immunity from liability for the negligent performance of any act pursuant to paragraph (b) of subsection 2 of section 1 of *Senate Bill No. 191* of this ~~[act]~~ session.

3.”.

Amend sec. 90, page 39, by deleting line 7 and inserting:

“(b) Performing any act set forth in paragraphs (b) to (i), inclusive of”.

Amend sec. 97, page 41, line 29, by deleting “physician’s” and inserting “physician.”.

Amend sec. 97, page 42, line 2, by deleting “and”.

Amend sec. 97, page 42, line 6, by deleting “met.” and inserting: “met; and

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, “approved youth shelter” has the meaning ascribed to it in section 4 of *Assembly Bill No. 264* of this ~~[act]~~ session.”.

Amend sec. 110, page 48, line 26, by deleting “services” and inserting “services,”.

Amend sec. 110, page 48, line 38, after “2.” by inserting: “When an agency which provides ~~[protective]~~ child welfare services receives a report pursuant to subsection 2 of section 1 of *Senate Bill No. 191* of this ~~[act]~~ session, a designee of the agency which provides ~~[protective]~~ child welfare services shall immediately place the child in protective custody.

3.”.

Amend sec. 110, page 48, line 39, by deleting “the child” and inserting “a child”.

Amend sec. 110, page 48, lines 44 and 45, by deleting “the child” and inserting “a child”.

Amend sec. 110, page 49, line 1, by deleting “3.” and inserting “4.”.

Amend sec. 110, page 49, lines 2 and 3, by deleting: “the child if it” and inserting: “a child if the agency”.

Amend sec. 110, page 49, line 5, by deleting “4.” and inserting “5.”.

Amend sec. 110, page 49, line 12, by deleting “subsection 1” and inserting “this section”.

Amend sec. 110, page 49, line 14, by deleting “5.” and inserting “6.”.

Amend sec. 110, page 49, by deleting line 21 and inserting:

“7. A person placing a child in protective custody pursuant to subsection 1 shall”.

Amend sec. 110, page 49, by deleting line 34 and inserting:

“8. If a child is placed with any person who resides outside of this state,”.

Amend sec. 111, page 50, line 30, by deleting “or”.

Amend sec. 111, page 50, line 37, by deleting “care.” and inserting: “care; or

(f) The child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191 of this ~~act~~ session.*”.

Amend sec. 121, page 54, by deleting lines 8 through 11 and inserting:

“4. If the:

(a) Person summoned resides in this state, the summons must be served personally;

(b) Person summoned cannot be found within this state or does not reside in this state, the summons must be mailed by registered or certified mail to his last known address; or

(c) Child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191 of this ~~act~~ session* and the location of the parent is unknown, the summons must be served on the parent by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent to appear in the action after the service of summons on the parent pursuant to this paragraph shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to this chapter.”.

Amend sec. 122, page 54, line 33, by deleting “concerning” and inserting: “concerning:

(a) Except as otherwise provided in paragraph (b).”.

Amend sec. 122, page 54, line 36, by deleting “case.” and inserting: “case; or

(b) If the child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191 of this [act] session*, any matters relevant to the case.”.

Amend sec. 123, page 56, line 1, by deleting “A” and inserting: “Except as otherwise provided in this subsection, a”.

Amend sec. 123, page 56, line 3, after “guardian.” by inserting: “If the child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191 of this [act] session* and the location of the parent is unknown, the report need not be sent to that parent.”.

Amend sec. 126, page 57, line 12, by deleting “*must*” and inserting “*should*”.

Amend sec. 126, page 57, line 20, by deleting “*must*” and inserting “*should*”.

Amend sec. 126, page 57, line 32, by deleting “*must*” and inserting “*should*”.

Amend sec. 126, page 58, by deleting lines 12 through 16.

Amend the bill as a whole by deleting sec. 131 and inserting:

“Sec. 131. (Deleted by amendment.)”.

Amend sec. 131.5, page 61, by deleting lines 1 and 2 and inserting:

“Sec. 131.5. Sections 2 and 3 of chapter 508, Statutes of Nevada 1999, at page 2612, are hereby amended to read as follows:

Sec. 2. On or before November 30, ~~[2000,]~~ 2002, the division of child and family services of the department of human resources shall submit a report to the director of the legislative counsel bureau for transmittal to the appropriate legislative committee. The report must include the following information for each agreement entered into pursuant to section 1 of this act:

1. The number of children involved in the pilot project established pursuant to the agreement;

2. A description of the services provided to those children that includes:

(a) The name of the agency that provided the services; and

(b) The costs incurred by the agency that provided the services;

3. If available, the disposition of the cases of those children; and

4. An analysis of the benefits, if any, to the children involved in the pilot project and to the families of those children.”.

Amend the bill as a whole by adding a new section designated sec. 131.7, following sec. 131.5, to read as follows:

“Sec. 131.7. Section 1 of Senate Bill No. 191 of this session is hereby amended to read as follows:

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old if:

(a) The child is voluntarily delivered to the provider by a parent of the child; and

(b) The parent does not express an intent to return for the child.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

(a) Perform any act necessary to maintain and protect the physical health and safety of the child.

(b) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides ~~[protective]~~ *child welfare* services.

3. A person who delivers a child to a provider of emergency services pursuant to subsection 1:

(a) Is presumed to have intended to consent to the termination of his parental rights to the child.

(b) Shall be deemed to have given his consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the person has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section, "provider of emergency services" means:

(a) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

(b) A public fire-fighting agency; or

(c) A law enforcement agency."

Amend sec. 133, page 61, by deleting lines 6 through 12 and inserting:

"Sec. 133. 1. There is hereby created a legislative oversight committee on the integration of state and local child welfare systems consisting of:

(a) Three members appointed by the majority leader of the senate, two of whom must be members of the interim finance committee; and

(b) Three members appointed by the speaker of the assembly, two of whom must be members of the interim finance committee.

2. The committee shall:

(a) Review progress reports from the division of child and family services of the department of human resources regarding the integration of the state and local child welfare systems;

(b) Make recommendations to the interim finance committee regarding requests for allocations of money to carry out the integration;

(c) Make recommendations to the interim finance committee regarding any proposed legislation necessary to carry out the integration; and

(d) Perform any other tasks assigned to it by the interim finance committee.

3. The committee shall report periodically to the interim finance committee regarding its activities.”.

Amend the bill as a whole by adding new sections designated sec. 133.3 and 133.7, following section 133, to read as follows:

“Sec. 133.3. 1. The division of child and family services of the department of human resources, in consultation with each agency which provides child welfare services in a county whose population is 100,000 or more, shall develop a plan for funding the provision of child welfare services in this state. The plan must address the fiscal responsibility of the state and each such county for any increases in the costs of providing those services. The division of child and family services shall submit the plan to the legislative oversight committee created pursuant to section 133 of this act on or before September 15, 2002, for its review.

2. The legislative oversight committee may revise the plan submitted by the division of child and family services pursuant to subsection 1 as it deems necessary and shall submit the plan, including any necessary revisions, to the governor and the interim finance committee on or before November 15, 2002.

Sec. 133.7. 1. Each mental health consortium established pursuant to section 125 of this act shall submit the recommended plan for the provision of mental health services to emotionally disturbed children in its jurisdiction that it prepared pursuant to section 126 of this act to the legislative oversight committee created pursuant to section 133 of this act on or before January 15 of each year and shall submit progress reports to that committee regarding its activities at the end of each calendar quarter.

2. If, pursuant to subsection 4 of section 126 of this act, the department of human resources revises the recommended plan for the provision of mental health services to emotionally disturbed children that a mental health consortium prepared pursuant to section 126 of this act, the department shall submit its revisions to such a plan to the legislative oversight committee created pursuant to section 133 of this act.”.

Amend sec. 134, page 61, line 28, after “abolishment.” by inserting: “Notwithstanding the provisions of NRS 286.3007, the division of child and family services shall not purchase credit for service in the public employees’ retirement system for an employee of the division of child and family services whose position with the division is abolished pursuant to the provisions of this act.”.

Amend sec. 134, page 61, line 33, by deleting “leave” and inserting: “leave, including, without limitation, all of his unused sick leave accrued but not carried forward pursuant to NRS 284.355.”.

Amend sec. 134, page 62, line 8, after “2.” by inserting: “All of the employee’s unused sick leave that has been accrued but not carried forward pursuant to NRS 284.355 must be transferred to his sick leave account with the agency with which he accepted employment pursuant to subsection 2.”.

Amend sec. 134, page 62, line 19, by deleting “position.” and inserting: “position, unless the employee, before the effective date of the abolishment of his position, requests the division to transfer a portion or all of his accrued annual leave to his account for annual leave with the agency with which he accepted employment pursuant to subsection 2. If the employee requests the transfer of a portion of his annual leave to his account for annual leave with the county agency pursuant to this subsection, the employee shall receive payment for the remaining balance of his accrued annual leave that he did not transfer.”.

Amend sec. 134, page 64, line 4, after “agency.” by inserting: “Any county employee that suffers damages under a collective bargaining agreement in effect on October 1, 2001, as a result of the operation of this subsection may recover actual damages from the county agency. Any collective bargaining agreement entered into by the county agency covering former employees of the division of child and family services and county employees after October 1, 2001, must contain a provision regarding layoffs that provides that former employees of the division of child and family services are entitled to the same rights as county employees in the case of a layoff at the county agency and that, for purposes of such a layoff, the number of years of state service of those former employees of the division of child and family services must be considered in addition to their years of service with the county agency.”.

Amend sec. 135, page 64, by deleting lines 20 and 21 and inserting: “oversight committee created pursuant to section 133 of this act.”.

Amend the bill as a whole by adding new sections designated sections 135.3, 135.5 and 135.7, following sec. 135, to read as follows:

“Sec. 135.3. 1. There is hereby appropriated from the state general fund to the interim finance committee the sum of \$4,697,661 for one-time costs associated with the transfer of certain child welfare services from the department of human resources to Clark County and Washoe County. No expenditures may be made from the money appropriated pursuant to this subsection for ongoing costs related to the integration of the child welfare system.

2. The division of child and family services of the department of human resources may apply for an allocation of the money appropriated pursuant to subsection 1 by submitting a request for an allocation to the budget division of the department of administration. The budget division of the department of administration may submit any such request that it approves to the legislative oversight committee created pursuant to section 133 of this act for its review. The interim finance committee may allocate money appropriated pursuant to subsection 1 upon receipt of a recommendation to do so from the legislative oversight committee created pursuant to section 133 of this act.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the

state general fund as soon as all payments of money committed have been made.

Sec. 135.5. 1. There is hereby appropriated from the state general fund to the interim finance committee for ongoing costs associated with the transfer of certain child welfare services from the department of human resources to Clark County and Washoe County:

For the fiscal year 2001-2002 \$1,015,497

For the fiscal year 2002-2003 \$5,619,610

On or before June 30, 2002, the sum appropriated pursuant to this subsection may be transferred from one fiscal year to the other with the approval of the interim finance committee upon the recommendation of the Governor.

2. The division of child and family services of the department of human resources may apply for an allocation of the money appropriated pursuant to subsection 1 by submitting a request for an allocation to the budget division of the department of administration. The budget division of the department of administration may submit any such request that it approves to the legislative oversight committee created pursuant to section 133 of this act for its review. The interim finance committee may allocate money appropriated pursuant to subsection 1 upon receipt of a recommendation to do so from the legislative oversight committee created pursuant to section 133 of this act.

3. Any remaining balance of the sum appropriated by subsection 1 for fiscal year 2001-2002 that has not been transferred to fiscal year 2002-2003 must not be committed for expenditure after June 30, 2002, and reverts to the state general fund as soon as all payments of money committed have been made.

4. Any remaining balance of the sum appropriated by subsection 1 for fiscal year 2002-2003 and any sum transferred from fiscal year 2001-2002 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 135.7. 1. Notwithstanding any provision of chapter 353 of NRS to the contrary, the division of child and family services of the department of human resources may submit a request to the budget division of the department of administration to transfer money appropriated to the division in the budget accounts for children and family administration, youth community services and child care services to a new account established solely for the costs related to the integration of the child welfare system. The budget division of the department of administration may submit any such request that it approves to the legislative oversight committee created pursuant to section 133 of this act for its review. The interim finance committee may approve the transfer of money from those three budget accounts pursuant to this subsection upon receipt of a recommendation to do so from the legislative oversight committee created pursuant to section 133 of this act.

2. On or before June 30, 2002, any sum transferred from the budget account for youth community services to the new account established solely for the costs related to the integration of the child welfare system pursuant to subsection 1 may be transferred from one fiscal year to the other with the approval of the interim finance committee upon the recommendation of the Governor.

3. Any remaining balance of the sums transferred to the new account established solely for the costs related to the integration of the child welfare system pursuant to subsection 1 for fiscal year 2001-2002 that has not been transferred to fiscal year 2002-2003 must not be committed for expenditure after June 30, 2002, and reverts to the state general fund as soon as all payments of money committed have been made.

4. Any remaining balance of the sums transferred to the new account established solely for the costs related to the integration of the child welfare system pursuant to subsection 1 for fiscal year 2002-2003 and any sum transferred in that account from fiscal year 2001-2002 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend sec. 136, page 64, by deleting lines 22 through 31 and inserting:

“Sec. 136. 1. This section and sections 131.5, 134.5, 135.3 and 137 of this act become effective upon passage and approval.

2. Sections 35 to 41, inclusive, 133, 135.5 and 135.7 of this act becomes effective on July 1, 2001.

3. Sections 1 to 9, inclusive, 11, 13 to 20, inclusive, 22 to 34, inclusive, 42 to 96, inclusive, 98 to 130, inclusive, 131.7, 132, 133.3, 133.7, 134, and 135 of this act become effective on October 1, 2001.

4. Sections 10, 21 and 97 of this act become effective at 12:01 a.m. on October 1, 2001.

5. Section 12 of this act becomes effective at 12:02 a.m. on October 1, 2001.

6. Section 130 of this act expires by limitation on January 1, 2005.

7. Sections 35 to 41, inclusive, 133 and 133.7 of this act expire by limitation on June 30, 2005.”.

Amend the preamble of the bill, page 1, line 9, by deleting “from”.

Amend the preamble of the bill, page 2, by deleting lines 16 through 19.

Amend the preamble of the bill, page 2, line 30 after “ensuring” by inserting:

“through negotiation in good faith”.

Amend the preamble of the bill, page 2, between lines 31 and 32 by inserting:

“WHEREAS, To ensure an equitable funding of the integrated child welfare system, the base amounts required for determining the federal and nonfederal contributions for funding the system will be based on an experience that reflects a full fiscal year; and”.

Amend the title of the bill, third line, after “counties;” by inserting:

“creating a legislative oversight committee on the integration of state and local child welfare systems; making appropriations;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that all rules be suspended and that all Assembly bills passed this legislative day be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Carpenter and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 162.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 378 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1165.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. 1. There is hereby appropriated from the interest and income earned on the trust fund for public health created pursuant to NRS 439.605 to the Board of Regents of the University of Nevada an amount equal to 25 percent of the available interest and income that has been earned on the trust fund or the sum of \$250,000, whichever is less, for the financial

support of the program to provide loans to nursing students pursuant to NRS 396.890 to 396.898, inclusive.

2. The Board of Regents shall use the money appropriated by subsection 1 to provide loans for fees, books and living expenses pursuant to NRS 396.890 to 396.898, inclusive, to students who are enrolled in nursing programs of the University and Community College System of Nevada.

3. Any remaining balance of the sum appropriated by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the trust fund for public health as soon as all payments of money committed have been made.

Sec. 2. On or before August 15, 2002, the Board of Regents of the University of Nevada shall develop a plan toward the goal of doubling the capacity of the programs of nursing of the University and Community College System to enroll students in programs of nursing from its capacity in school year 2000-2001. The Board of Regents shall include that plan as a separately identifiable component of its proposed biennial budget that is submitted pursuant to NRS 353.210 and set forth estimates of expenditures that would be necessary to carry out the plan.

Sec. 3. This act becomes effective on July 1, 2001.”

Amend the title of the bill to read as follows:

“AN ACT relating to the University and Community College System of Nevada; making an appropriation to support the program to provide loans to nursing students; requiring the development of a plan to increase the capacity of the programs of nursing within the system; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to support certain loan program for nursing students and requires development of plan to increase capacity of programs of nursing within the University and Community College System of Nevada. (BDR S-852)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 550.

The following Senate amendment was read:

Amendment No. 844.

Amend section 1, page 1, line 13, by deleting “*court*” and inserting: “*court, after reviewing the evidence before it*”.

Amend section 1, page 2, line 7, after “*of*” by inserting: “*subsections 1, 2 and 3 of*”.

Amend section 1, page 2, line 9, after “5.” by inserting: “*The provisions of this section do not apply to:*

- (a) *A client of Lakes Crossing center;*
 - (b) *A client who is less than 18 years of age; or*
 - (c) *A client who is in a facility that primarily provides services for mentally retarded persons.*
- 6.”.

Amend sec. 5, page 3, line 13, by deleting “[]” and inserting: “[] , including, without limitation, the documents required pursuant to NRS 433A.210,”.

Amend sec. 6, page 3, lines 25 and 26, by deleting: “*under NRS 433A.145 or 433A.150*”.

Amend sec. 6, page 3, by deleting lines 34 through 37 and inserting: “evaluation, observation and treatment ~~[under NRS 433A.150 and may transport]~~; and

(2) *Transport the allegedly mentally ill person or arrange the transportation for him with a local law enforcement agency to a public or*”.

Amend sec. 6, page 4, lines 1 and 2, by deleting: “*treatment under NRS 433A.150;*” and inserting “*treatment;*”.

Amend sec. 6, page 4, by deleting lines 12 through 24 and inserting: “*The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in*”.

Amend sec. 6, page 4, line 33, by deleting “[2] 3” and inserting “2”.

Amend sec. 10, page 6, between lines 44 and 45, by inserting:

“3. *The provisions of this section do not preclude a facility from discharging a person before the time set pursuant to this section for the hearing concerning the person, if appropriate.*”.

Amend sec. 11, page 7, line 6, by deleting: “*NRS 433A.145 or 433A.150,*” and inserting: “*an application made pursuant to NRS [433A.150,] 433A.160,*”.

Amend sec. 11, page 7, line 11, by deleting: “*NRS 433A.145 or 433A.150,*” and inserting: “*an application made pursuant to NRS [433A.150,] 433A.160,*”.

Amend sec. 11, page 7, line 23, by deleting: “*NRS 433A.145 or 433A.150,*” and inserting: “*an application made pursuant to NRS [433A.150,] 433A.160,*”.

Amend the title of the bill by deleting the first and second lines and inserting: “AN ACT relating to health; restricting the authority of a mental health facility to override certain clients’ refusals of medication; making various changes to procedures for the”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 550.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 77.

The following Senate amendment was read:

Amendment No. 750.

Amend sec. 5, page 4, line 18, by deleting "All" and inserting: "~~[All]~~ Except as otherwise provided in NRS 607.170, all".

Amend the bill as a whole by deleting section 11 and inserting:

"Sec. 11. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 16 and adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. 1. This section and sections 1 to 4, inclusive, and 6 to 15, inclusive, of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective on July 1, 2001."

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 750 to Assembly Bill No. 77.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1006.

Amend sec. 9, page 5, line 12, by deleting: "of the division".

Amend sec. 9, page 5, line 14, by deleting "institution" and inserting "division".

Amend sec. 9, page 5, line 15, by deleting "institution" and inserting "administrator".

Amend sec. 9, page 5, line 16, by deleting "institution" and inserting "administrator".

Amend sec. 9, page 5, line 25, by deleting "institution's" and inserting "administrator's".

Amend sec. 9, page 5, line 27, by deleting "institution." and inserting "division."

Amend sec. 9, page 5, line 30, by deleting "institution," and inserting "division,".

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 1006 to Assembly Bill No. 77.

Remarks by Assemblyman Anderson.

Motion carried by a two-third's constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 248.

The following Senate amendment was read:

Amendment No. 1031.

Amend sec. 2, page 2, line 16, by deleting: "pursuant to NRS 432B.393".

Amend sec. 2, page 2, line 18, after “(a).” by inserting: “*The provisions of subsections 4, 5 and 6 of NRS 432B.393 shall be deemed to apply to the reasonable efforts required by this paragraph.*”.

Amend sec. 6, page 8, lines 28 and 30, by deleting “only”.

Amend sec. 6, page 8, line 36, by deleting “and”.

Amend sec. 6, page 8, line 37, by deleting “applicable.” and inserting: “applicable; and

(h) *Consider any other matters the court deems relevant.*”.

Amend sec. 14, page 13, line 15, after “procedures.” by inserting: “*The provisions of this subsection do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.*”.

Amend the bill as a whole by renumbering sections 18 and 19 as sections 19 and 20 and adding a new section designated sec. 18, following sec. 17, to read as follows:

“Sec. 18. Section 2 of Assembly Bill No. 336 of this session is hereby amended to read as follows:

Sec. 2. NRS 127.152 is hereby amended to read as follows:

127.152 1. Except as otherwise provided in subsection ~~{2,}~~ 3, the division or a licensed child-placing agency shall provide the adopting parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the division or licensed child-placing agency . ~~{, and}~~

(b) Any information obtained by the division or licensed child-placing agency during interviews of the natural parent regarding:

(1) The medical and sociological history of the child and the natural parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies adopted by the division for the disclosure of such information.

(c) *Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127.186 that he has any special needs.*

2. *The division or child-placing agency shall obtain from the adopting parents written confirmation that the adopting parents have received the report required pursuant to subsection 1.*

3. The report ~~{created}~~ required pursuant to subsection 1 must exclude any information that would lead to the identification of the natural parent.

~~{3,}~~ 4. The division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the adopting parents of the child may also obtain the information set forth in subsection 1.”.

Amend sec. 19, page 14, line 18, by deleting “18” and inserting “19”.

Amend sec. 19, page 14, by deleting line 20 and inserting:

"2. Sections 1 to 4, inclusive, 6 to 15, inclusive, and 18 of this act and".

Amend sec. 19, page 14, line 21, by deleting "18" and inserting "19".

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 1031 to Assembly Bill No. 248.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1065.

Amend sec. 6, page 8, line 6, by deleting "or".

Amend sec. 6, page 8, line 13, by deleting "care." and inserting: "care; or

(f) The child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191 of this [act.] session.*".

Amend sec. 11, page 10, line 27, by deleting "concerning" and inserting: "concerning:

(a) Except as otherwise provided in paragraph (b).".

Amend sec. 11, page 10, line 30, by deleting "case." and inserting: "case; or

(b) If the child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191 of this [act.] session*, any matters relevant to the case.".

Amend sec. 12, page 11, line 20, by deleting "services" and inserting "services,".

Amend sec. 12, page 11, line 42, by deleting "A" and inserting: "Except as otherwise provided in this subsection, a".

Amend sec. 12, page 11, line 44, after "guardian." by inserting: "If the child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191 of this [act.] session* and the location of the parent is unknown, the report need not be sent to that parent.".

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 1065 to Assembly Bill No. 248.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 581.

The following Senate amendment was read:

Amendment No. 901.

Amend section 1, page 2, line 17, after "face." by inserting: "*An officer shall determine that an order is authentic on its face if the order contains:*

(a) *The names of the parties;*

(b) *Information indicating that the order has not expired; and*

(c) *Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court*

which issued the order or another indication of the authority of the court which issued the order.

An officer may determine that any other order is authentic on its face.”.

Amend section 1, page 2, by deleting lines 23 through 25 and inserting: “has been provided to the officer;

(b) An order for protection against domestic violence that is included in the repository for information concerning orders for protection against domestic violence pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against domestic violence was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against domestic violence, including, without limitation, the statement of a person protected by the order that the order remains in effect.”.

Amend section 1, page 2, by deleting lines 32 through 36 and inserting:

“6. A court or law enforcement officer who enforces an order for protection against domestic violence issued by the court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 17.340 is hereby amended to read as follows:

17.340 As used in NRS 17.330 to 17.400, inclusive, unless the context otherwise requires, “foreign judgment” means any judgment of a court of the United States or of any other court which is entitled to full faith and credit in this state, except [a] :

1. A judgment to which chapter 130 of NRS applies [b] ; and
2. An order for protection issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders.”.

Amend the title of the bill, second line, after “violence;” by inserting: “providing that certain orders for protection issued in another state are not subject to certain requirements to be given full faith and credit in this state;”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 581.

Remarks by Assemblymen Anderson and McClain.

Assemblyman Anderson withdrew his motion to concur in the Senate amendment to Assembly Bill No. 581.

Assembly Bill No. 394.

The following Senate amendment was read:

Amendment No. 907.

Amend sec. 2, page 4, by deleting lines 45 and 46 and inserting: "regarding this guilty plea agreement and its consequences to my satisfaction".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 394.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399.

The following Senate amendment was read:

Amendment No. 757.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public agency may commence an action in the name of the agency to recover the expense of an emergency response by the public agency against any person who knowingly:*

(a) *Makes a false report to a peace officer that a felony or misdemeanor has been committed or that an emergency exists;*

(b) *Causes a false report to be made to a peace officer that a felony or misdemeanor has been committed or that an emergency exists;*

(c) *Disseminates, by any medium of public communication, a false report that a felony or misdemeanor has been committed or that an emergency exists; or*

(d) *Causes the dissemination, by any medium of public communication, of a false report that a felony or misdemeanor has been committed or that an emergency exists.*

2. *A civil action may be brought pursuant to this section even if there has been no criminal conviction for the false report.*

3. *If a public agency prevails in an action brought pursuant to this section, the court shall award the public agency the costs of the action and reasonable attorney's fees.*

4. *For the purposes of this section, a person shall be deemed to have caused a false report to be made or disseminated if:*

(a) *The person intentionally created the appearance that a felony or misdemeanor was committed or that an emergency existed; and*

(b) *A public agency responded to a false report that a felony or misdemeanor was committed or that an emergency existed as the result of the appearance created by the person.*

5. *As used in this section:*

(a) *“Expense of an emergency response” includes, without limitation, the reasonable costs incurred by a public agency in making an appropriate response to or investigation of a false report, including, without limitation, the salary or wages of any person responding to or investigating a false report, the deemed wages of any volunteer of a public agency participating in the response or investigation, the costs for use or operation of any equipment and the costs for the use or expenditure of any resources, fuel or other materials.*

(b) *“Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

(c) *“Public agency” means an agency, bureau, board, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, fire-fighting, rescue or emergency medical services.*

Sec. 2. The amendatory provisions of this act apply to a false report that is made or disseminated on or after the effective date of this act.”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 399.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

The following Senate amendment was read:

Amendment No. 672.

Amend section 1, page 2, line 10, by deleting: *“a category A, B or C felony or”*.

Amend section 1, page 2, line 11, after *“(a)”* by inserting: *“A category A felony;*

(b) A category B felony;

(c) A category C felony involving the use or threatened use of force or violence against the victim;

(d)”.

Amend section 1, page 2, line 12, by deleting *“(b)”* and inserting *“~~(b)~~ (e)”*.

Amend section 1, page 2, line 21, by deleting *“(c)”* and inserting *“(f)”*.

Amend section 1, page 2, line 22, by deleting *“(d)”* and inserting *“(g)”*.

Amend section 1, page 2, by deleting lines 26 and 27 and inserting:

“(H) (h) An attempt to commit an offense listed in this subsection.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

“Sec. 2. NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If the court orders that ~~{samples of blood}~~ *a biological specimen* be obtained from a defendant pursuant to NRS 176.0913, the court, in addition to any other penalty, shall order the defendant, to the extent of his financial ability, to pay the sum of \$250 as a fee for obtaining the ~~{samples of blood}~~ *specimen* and for conducting the analysis to determine the genetic markers of the ~~{blood}~~ *specimen*. The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;

(b) Must be collected from the defendant before or at the same time that any fine imposed by the court is collected from the defendant; and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker testing. The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker testing. The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker testing to pay for the actual amount charged to the county for obtaining ~~{samples of blood from defendants}~~ *a biological specimen from a defendant* pursuant to NRS 176.0913.

5. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker testing for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to:

(a) Maintain and purchase equipment and supplies relating to genetic marker testing, including, but not limited to, equipment and supplies required by the Federal Bureau of Investigation for participation in CODIS; and

(b) Pay for the training and continuing education, including, but not limited to, the reasonable travel expenses, of employees of the forensic laboratory who conduct or oversee genetic marker testing.

Sec. 3. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

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

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

(b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of ~~[the blood and the secretor status of the saliva]~~ *a biological specimen* of a person who is convicted of ~~[sexual assault or any other sexual offense.]~~ *an offense listed in subsection 4 of NRS 176.0913*, to the division in the manner prescribed by the director of the department. The information must be submitted to the division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the director of the department, within the period prescribed by the director of the department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall, in the manner prescribed by the director of the department:

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

(1) Sexual offenses and other records of criminal history; and

(2) The genetic markers of ~~[the blood and the secretor status of the saliva]~~ *a biological specimen* of a person who is convicted of ~~[sexual assault or any other sexual offense.]~~ *an offense listed in subsection 4 of NRS 176.0913*.

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

(c) Upon request, provide the information that is contained in the central repository to the state disaster identification team of the division of emergency management of the department . ~~[of motor vehicles and public safety.]~~

5. The division may:

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

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

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

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

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

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

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

6. The central repository shall:

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

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

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

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

(1) Has applied to the superintendent of public instruction for a license;

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

(3) Is employed by a county school district,

and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:

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

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation,

who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.

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

(g) On or before July 1 of each year, prepare and present to the governor a printed annual report containing the statistical data relating to crime received

during the preceding calendar year. Additional reports may be presented to the governor throughout the year regarding specific areas of crime if they are recommended by the advisory committee and approved by the director of the department.

(h) On or before July 1 of each year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, or the legislative commission when the legislature is not in regular session, a report containing statistical data about domestic violence in this state.

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

7. The central repository may:

(a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the division of emergency management of the department . ~~[of motor vehicles and public safety.]~~ All money collected pursuant to this paragraph must be used to pay for the cost of operating the central repository.

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) “Advisory committee” means the committee established by the director of the department pursuant to NRS 179A.078.

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

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

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

Sec. 4. NRS 56.020 is hereby amended to read as follows:

56.020 1. Whenever it is relevant in a civil or criminal action to determine the parentage or identity of any person or corpse, the court, by order, may direct any party to the action and the person involved in the controversy to submit to one or more ~~[blood or saliva tests.]~~ tests to obtain a

biological specimen to determine the genetic markers of the specimen, to be made by qualified persons, under such restrictions and directions as the court deems proper. [The tests may include analysis of a person's blood to determine its genetic markers and of a person's saliva to determine its secretor status.]

2. Whenever a test is ordered and made, the results of the test may be received in evidence. The order for the tests also may direct that the testimony of the experts and of the persons so examined may be taken by deposition. The opinion of any expert concerning results of blood tests may be weighted in accordance with evidence, if available, of the statistical probability of the alleged blood relationship. The court shall determine how and by whom the costs of the examination must be paid.”.

Amend the title of the bill by deleting the second line and inserting: “from certain offenders convicted of certain felonies; revising certain provisions concerning genetic marker testing to refer to obtaining a “biological specimen”; and providing other matters”.

Amend the summary of the bill to read as follows: “SUMMARY—Requires genetic marker analysis to be obtained from certain offenders convicted of certain felonies. (BDR 14-1038)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 489.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 229.

The following Senate amendment was read:

Amendment No. 984.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 482.1805 is hereby amended to read as follows:

482.1805 1. The revolving account for the issuance of special license plates is hereby created as a special account in the motor vehicle fund. ~~[Twenty five percent]~~ *An amount equal to \$35* of the fee received by the department for the initial issuance of a special license plate, not including any additional fee which may be added to generate financial support for a particular cause or charitable organization, must be deposited in the motor vehicle fund for credit to the account.

2. The department shall use the money in the account to pay the expenses involved in issuing special license plates.

3. Money in the account must be used only for the purpose specified in subsection 2.

4. At the end of each fiscal year, the state controller shall transfer from the account to the state highway fund an amount of money equal to the balance in the account which exceeds \$50,000.”.

Amend the title of the bill, fourth line, after “plates;” by inserting: “revising the amount of the fee for the initial issuance of a special license plate that must be deposited in the revolving account for the issuance of special license plates;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises requirements for issuance of special license plates for motor vehicles and administration of certain fees collected for such license plates. (BDR 43-55)”.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 229.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 643.

The following Senate amendment was read:

Amendment No. 960.

Amend the bill as a whole by renumbering sections 1 through 9 as sections 4 through 12 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *Except as otherwise provided in this subsection, the department, in cooperation with the Nevada Test Site Historical Foundation or its successor, shall design, prepare and issue license plates for the support of the preservation of the history of atomic testing in Nevada, using any colors and designs that the department deems appropriate. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.*

2. *If the department receives at least 250 applications for the issuance of license plates for the support of the preservation of the history of atomic testing in Nevada, the department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation of the history of atomic testing in Nevada if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation of the history of atomic testing in Nevada pursuant to subsections 3 and 4.*

3. *The fee for license plates for the support of the preservation of the history of atomic testing in Nevada is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.*

4. *In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the preservation of the history of atomic testing in Nevada must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be distributed pursuant to subsection 5.*

5. *The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the state general fund. The state treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Nevada Test Site Historical Foundation or its successor for its programs and activities in support of the preservation of the history of atomic testing in Nevada.*

6. *If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:*

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

Sec. 3. 1. *Except as otherwise provided in this subsection, the department, in cooperation with the Outside Las Vegas Foundation or its successor, shall design, prepare and issue license plates to support preserving the federal lands surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing the quality of life of local residents, using any colors and designs that the department deems appropriate. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.*

2. *If the department receives at least 250 applications for the issuance of license plates pursuant to this section, the department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if that person pays the fees for the personalized prestige license plates in addition to the fees prescribed pursuant to subsections 3 and 4 for the license plates issued pursuant to this section.*

3. *The fee for license plates issued pursuant to this section is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.*

4. *In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person*

who requests a set of license plates pursuant to this section must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20 to be distributed pursuant to subsection 5.

5. The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the state general fund. The state treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section to the Outside Las Vegas Foundation or its successor for its programs and activities in support of preserving the federal lands surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing the quality of life of local residents.

6. If, during a registration year, the holder of license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.”.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

“Sec. 4. 1. Except as otherwise provided in this subsection, the department”.

Amend sec. 2, page 3, line 9, by deleting: *“session and section 1”* and inserting: *“session and sections 2, 3 and 4”.*

Amend sec. 3, page 3, line 38, by deleting *“section 1”* and inserting: *“sections 2, 3 and 4”.*

Amend sec. 6, page 6, by deleting line 23 and inserting: *“pursuant to:*

- 1. Section 2 of this act;*
- 2. Section 3 of this act; and*
- 3. Section 4 of this act.”.*

Amend sec. 7, page 6, by deleting line 24 and inserting:

“Sec. 10. 1. The amendatory provisions of section 2 of this act”.

Amend sec. 7, page 6, line 27, by deleting *“1”* and inserting *“2”.*

Amend sec. 7, page 6, between lines 28 and 29 by inserting:

“2. The amendatory provisions of section 3 of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to the provisions of section 3 of this act.

3. The amendatory provisions of section 4 of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to the provisions of section 4 of this act.”.

Amend sec. 8, page 6, line 29, by deleting: *“4 and 5”* and inserting: *“7 and 8”.*

Amend sec. 9, page 6, line 32, by deleting: “4, 5 and 8” and inserting: “7, 8 and 11”.

Amend sec. 9, page 6, line 34, by deleting: “1, 6 and 7” and inserting: “1 to 4, inclusive, 9 and 10”.

Amend sec. 9, page 6, line 35, by deleting: “2 and 3” and inserting: “5 and 6”.

Amend the title of the bill, first line, after “vehicles;” by inserting: “providing for the issuance of special license plates for the support of the preservation of the history of atomic testing in Nevada; providing for the issuance of special license plates to support preserving the federal lands surrounding Las Vegas;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing issuance and use of special license plates. (BDR 43-1019)”.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 643.

Remarks by Assemblymen Chowning, Mortenson, Claborn, Bache and Ohrenschall.

Assemblyman Bache requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I would like to request that my “no” vote on the amendment, on the concur on 643, be placed on the record.

Motion carried by a two-third’s constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 641.

The following Senate amendment was read:

Amendment No. 1094.

Amend sec. 3, page 7, line 34, after “year.” by inserting: “Any balance of those sums must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 641.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 198.

The following Senate amendment was read:

Amendment No. 979.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 5 through 7 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *If an authorized station or authorized inspection station is required to collect a fee pursuant to subsection 1 of NRS 445B.830, the station may charge a customer whose vehicle is inspected by the station the amount of any electronic transmission surcharge that the station incurs to obtain information which the station is required by law to obtain with respect to that customer's vehicle.*

2. *An electronic transmission surcharge that is charged to a customer pursuant to subsection 1 must be set forth as a separate entry on the form certifying emission control compliance which the authorized station or authorized inspection station provides to the customer.*

3. *As used in this section, "electronic transmission surcharge" means the amount that an authorized station or authorized inspection station is required to pay to a contractor who owns or operates a database for the identification of vehicles for the transmission of information regarding a particular vehicle from the database to the authorized station or authorized inspection station.*

Sec. 3. 1. *If the board of county commissioners of a county is authorized to impose an additional fee for each form certifying emission control compliance, the board shall ensure that 2 percent of any such fee it imposes is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued.*

2. *As used in this section, "additional fee" does not include any fee that is imposed pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 445B.830.*

Sec. 4. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, have the meanings ascribed to them in those sections."

Amend sec. 3, page 3, by deleting line 25 and inserting:

"Sec. 7. 1. This section and sections 1, 3, 4 and 6 of this act become effective on July 1, 2001.

2. Section 5 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3. Section 2 of this act becomes effective on January 1, 2002."

Amend the title of the bill to read as follows:

"AN ACT relating to air pollution; authorizing certain stations licensed to inspect motor vehicles and devices for the control of pollution to charge a customer a surcharge for the costs of obtaining certain information regarding the customer's vehicle; authorizing certain stations licensed to inspect motor vehicles and devices for the control of pollution to retain a percentage of certain fees as a commission; revising the provisions relating to expenditures from the pollution control account for purposes relating to air quality; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to inspection of motor vehicles and devices for control of pollution and revises provisions relating to expenditures for air quality. (BDR 40-176)”.

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 198.

Remarks by Assemblyman de Braga.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 326.

The following Senate amendment was read:

Amendment No. 819.

Amend section 1, page 1, by deleting line 13 and inserting:

“(2) The salary paid to its officers and employees who attend more than 40 days of a legislative session; and”.

Amend the bill as a whole by adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. NRS 218.912 is hereby amended to read as follows:

218.912 1. “Lobbyist” means, except as limited by subsection 2, a person who:

(a) Appears in person in the legislative building or any other building in which the legislature or any of its standing committees hold meetings; and

(b) Communicates directly with a member of the legislative branch on behalf of someone other than himself to influence legislative action whether or not any compensation is received for the communication.

2. “Lobbyist” does not include:

(a) Persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying.

(b) Employees of a bona fide news medium who meet the definition of “lobbyist” only in the course of their professional duties and who contact members of the legislature for the sole purpose of carrying out their news gathering function.

(c) Employees of departments, divisions or agencies of the state government who appear before legislative committees only to explain the effect of legislation related to their departments, divisions or agencies [] , *except employees of the University and Community College System of Nevada.*

(d) Employees of the legislature, legislators, legislative agencies or legislative commissions.

(e) Elected officers of this state and its political subdivisions who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.

(f) Persons who contact the members of the legislature who are elected from the district in which they reside.

Sec. 4. NRS 396.340 is hereby amended to read as follows:

396.340 1. The University and Community College System of Nevada was, and now is, established in accordance with the provisions of the constitution of the State of Nevada, and also in accordance with the provisions of an Act of Congress entitled “An Act donating Public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts,” approved July 2, 1862 (c. 130, 12 Stat. 503), and acts amendatory thereof or supplementary thereto.

2. The board of regents are the proper trustees of the system to receive and disburse all appropriations made to this state under the provisions of an Act of Congress entitled “An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two,” approved August 30, 1890 (c. 841, 26 Stat. 419), and all appropriations hereafter to be made under the act.

3. The board of regents shall make a report at the end of each fiscal year, in connection with its annual report to the governor, of other matters concerning the system, including the amounts received and disbursed under the provisions of this section. The governor shall transmit all annual reports to the legislature.

4. *In each year in which the legislature convenes, if the board of regents expends more than \$6,000 on activities designed to influence the passage or defeat of any legislation, the board shall file with the governor within 30 days after the close of the legislative session a report supplemental to its annual report made pursuant to subsection 3 which includes separate items for expenses relating to that activity, including, without limitation:*

(a) Transportation.

(b) The amount of money spent on:

(1) The lodging and meals of its officers, lobbyists and employees;

(2) The salary paid to its officers and employees who attend more than 40 days of a legislative session; and

(3) Compensation paid to any lobbyists, to the extent that such information does not duplicate the information required pursuant to subparagraphs (1) and (2).

(c) The amount of money spent on entertainment, gifts or other expenses which are required to be reported pursuant to NRS 218.900 to 218.944, inclusive.

(d) The amount of money spent in Carson City on supplies, equipment and facilities and other personnel and services needed to support the activity.

(e) An identification of the fund, account or other source against which the expenses were charged.

5. The board of regents shall make a copy of the supplemental report available for inspection within 30 days after the close of the legislative session.

6. *The board of regents shall include in its annual report to the governor made pursuant to subsection 3 a separate statement of the anticipated expenses relating to activities designed to influence the passage or defeat of any legislation, setting forth each separate category of expenditure that is required to be included in a supplemental report pursuant to subsection 4.*

7. The legislature of Nevada hereby gratefully assents to the purposes of all grants of money made heretofore and all which may hereafter be made to the State of Nevada by Congress, under the Act of Congress, the title of which is recited in subsection 2, and agrees that the grants must be used only for the purposes named in the Act of Congress, or acts amendatory thereof or supplemental thereto.”.

Amend the title of the bill to read as follows:

“AN ACT relating to lobbying; modifying the list of separate items that a local government is required to include in a supplemental budgetary report of expenses relating to activities designed to influence the passage or defeat of legislation; providing that the budget of a local government must include a separate statement detailing such anticipated expenses; requiring the board of regents of the University and Community College System of Nevada to include a list of expenses relating to activities designed to influence the passage of defeat or legislation in its annual report to the governor; requiring the board of regents to include a separate statement detailing such anticipated expense in its annual report to the governor; specifying that employees of the University and Community College System of Nevada are not excluded from the definition of “lobbyist” for purposes of the Nevada Lobbying Disclosure Act; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning disclosures relating to lobbying. (BDR 31-496)”.

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 326.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

The following Senate amendment was read:

Amendment No. 942.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A nonprofit organization that has as its primary purpose the raising of money to benefit historic places in this state that are listed in the state register of historic places or the national register of historic places, or*

programs conducted pursuant thereto, may, with the approval of the administrator, engage in a program to raise money to benefit such a historic place or program pursuant to which a donor of money is allowed to name such a historic place, or any portion thereof, that receives any part of its funding from or through this state.

2. The administrator shall not approve a program pursuant to which a donor is allowed to rename a historic place or any portion thereof.

3. The administrator may adopt such regulations as he determines are necessary to carry out the provisions of this section.”.

Amend section 1, page 1, line 6, by deleting: “museums, library and arts.” and inserting “cultural affairs.”.

Amend the title of the bill, first line, by deleting “districts;” and inserting: “preservation; authorizing certain fund raising to benefit historic places or programs pursuant to which a donor of money is, under certain circumstances, allowed to name a historic place or portion thereof;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning historic preservation. (BDR 33-546)”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 102.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 225.

The following Senate amendment was read:

Amendment No. 967.

Amend sec. 2, page 2, by deleting lines 13 through 34 and inserting:

“(b) A commitment or promise made by a majority of the members present during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. “Meeting” ~~[means the]~~ :

(a) *Except as otherwise provided in paragraph (b), means:*

(1) *The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.*

(2) *Any series of gatherings of members of a public body at which:*

(I) *Less than a quorum is present at any individual gathering;*

(II) *The members of the public body attending one or more of the gatherings collectively constitute a quorum; and*

(III) *The series of gatherings was held with the specific intent to avoid the provisions of this chapter.*

(b) *Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:*

(1) *Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.*

(2) *To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.”.*

Amend the title of the bill, fourth line, by deleting: “certain serial gatherings;” and inserting: “and exclude certain gatherings of members of a public body;”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 225.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that the action whereby Senate Amendment No. 844 to Assembly Bill No. 550 was concurred in be rescinded.

Motion carried.

UNFINISHED BUSINESS

Assembly Bill No. 550.

The following Senate amendment was read:

Amendment No. 844.

Amend section 1, page 1, line 13, by deleting “court” and inserting: “court, after reviewing the evidence before it,”.

Amend section 1, page 2, line 7, after “of” by inserting: “subsections 1, 2 and 3 of”.

Amend section 1, page 2, line 9, after “5.” by inserting: “The provisions of this section do not apply to:

(a) *A client of Lakes Crossing center;*

(b) *A client who is less than 18 years of age; or*

(c) *A client who is in a facility that primarily provides services for mentally retarded persons.*

6.”.

Amend sec. 5, page 3, line 13, by deleting “[]” and inserting: “[] , including, without limitation, the documents required pursuant to NRS 433A.210,”.

Amend sec. 6, page 3, lines 25 and 26, by deleting: “*under NRS 433A.145 or 433A.150*”.

Amend sec. 6, page 3, by deleting lines 34 through 37 and inserting: “evaluation, observation and treatment ~~[under NRS 433A.150 and may transport]~~; and

(2) *Transport the allegedly mentally ill person or arrange the transportation for him with a local law enforcement agency to a public or*”.

Amend sec. 6, page 4, lines 1 and 2, by deleting: “*treatment under NRS 433A.150;*” and inserting “*treatment;*”.

Amend sec. 6, page 4, by deleting lines 12 through 24 and inserting: “*The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in*”.

Amend sec. 6, page 4, line 33, by deleting “[2] 3” and inserting “2”.

Amend sec. 10, page 6, between lines 44 and 45, by inserting:

“3. *The provisions of this section do not preclude a facility from discharging a person before the time set pursuant to this section for the hearing concerning the person, if appropriate.*”.

Amend sec. 11, page 7, line 6, by deleting: “*NRS 433A.145 or 433A.150,*” and inserting: “*an application made pursuant to NRS ~~[433A.150]~~ 433A.160,*”.

Amend sec. 11, page 7, line 11, by deleting: “*NRS 433A.145 or 433A.150,*” and inserting: “*an application made pursuant to NRS ~~[433A.150]~~ 433A.160,*”.

Amend sec. 11, page 7, line 23, by deleting: “*NRS 433A.145 or 433A.150,*” and inserting: “*an application made pursuant to NRS ~~[433A.150]~~ 433A.160,*”.

Amend the title of the bill by deleting the first and second lines and inserting: “AN ACT relating to health; restricting the authority of a mental health facility to override certain clients’ refusals of medication; making various changes to procedures for the”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 550.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581.

The following Senate amendment was read:

Amendment No. 901.

Amend section 1, page 2, line 17, after “*face.*” by inserting: “*An officer shall determine that an order is authentic on its face if the order contains:*

(a) *The names of the parties;*

(b) *Information indicating that the order has not expired; and*

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

An officer may determine that any other order is authentic on its face.”.

Amend section 1, page 2, by deleting lines 23 through 25 and inserting:
“has been provided to the officer;

(b) An order for protection against domestic violence that is included in the repository for information concerning orders for protection against domestic violence pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against domestic violence was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against domestic violence, including, without limitation, the statement of a person protected by the order that the order remains in effect.”.

Amend section 1, page 2, by deleting lines 32 through 36 and inserting:

“6. A court or law enforcement officer who enforces an order for protection against domestic violence issued by the court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 17.340 is hereby amended to read as follows:

17.340 As used in NRS 17.330 to 17.400, inclusive, unless the context otherwise requires, “foreign judgment” means any judgment of a court of the United States or of any other court which is entitled to full faith and credit in this state, except [a] :

- 1. A judgment to which chapter 130 of NRS applies [–] ; and*
- 2. An order for protection issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders.”.*

Amend the title of the bill, second line, after “violence;” by inserting:
“providing that certain orders for protection issued in another state are not subject to certain requirements to be given full faith and credit in this state;”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 581.

Remarks by Assemblyman Anderson.
Motion carried by a constitutional majority.
Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Dini moved that the Assembly do not recede from its action on Senate Bill No. 99, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Dini.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Arberry and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 99.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Dini moved that the Assembly do not recede from its action on Senate Bill No. 320, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Dini.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Parks and Nolan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 320.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 25, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Carpenter and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 25.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 83, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Brower and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 83.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 551, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McClain, Koivisto and Brower as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 551.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 171, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Carpenter and Collins as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 171.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 362, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Dini, Hettrick and Neighbors as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 362.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 232 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Anderson.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parnell, Gibbons and Smith as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 555.

Mr. Speaker appointed Assemblymen Goldwater, Dini and Humke as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 620.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 40.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 24.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted unanimously.

REMARKS FROM THE FLOOR

Assemblyman Parks requested the following remarks be entered in the Journal.

ASSEMBLYMAN COLLINS:

WHEREAS, The following members of the media and press corps: Erin Neff, Mitch Fox, Ed Vogel, Jon Ralston, Jennifer Crowe, Brendon Riley, Jane Ann Morrison, John Wilkerson, Mike Garafalo, Siobhan McDonough, Mikey (the dog) and any other accomplices, and

WHEREAS, The third house displayed unprofessional behavior in displaying total clarity in the agenda of the elected members of this body, and

WHEREAS, The third house failed to follow the adopted rules of the Assembly, and

WHEREAS, The third house did willfully express the Executive Branch's true intent, and

WHEREAS, The third house did imply the Senatorial differences as they are surely not the house of the people, and

WHEREAS, The third house unequally expressed its liberal bent by proposing to delete five Republicans and only three Democrats, and

WHEREAS, The third house did truly describe the vulgarity of re-apportionment, and

WHEREAS, The third house did unclearly violate the concealed carry notice on the doors of the legislative building, and

WHEREAS, The third house did implant the lobbyist into this Legislative body, and

WHEREAS, The third house did shockingly describe the Renewable Electric Static in this body, and

WHEREAS, The third house demonstrated the need for more Education in the Business Community in Nevada,

THEREFORE, BE IT RESOLVED, That this Resolution take effect immediately upon the passage of this body to require third house players named above be removed from the list of accepted media and press corps of the 71st Session of the Legislature so we may disclose and propose effective legislation with unbiased ink.

Only Kidding!!!!!!

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 27, 38, 82, 113, 182, 220, 239, 308, 313, 314, 315, 320, 328, 338, 380, 383, 395, 413, 417, 419, 428, 429, 430, 442, 451, 452, 455, 459, 461, 468, 469, 490, 499, 540, 560, 568, 574, 619, 632, 638, 650; Senate Bills Nos. 27, 38, 61, 133, 182, 210, 245, 297, 299, 301, 317, 330, 405, 412, 425, 504, 522, 530, 536, 539, 543, 544, 548, 552, 563, 569.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Tammy Downs, Kristie Weddell, Kathy Saporito, Diane Barger, Kathy Fraker, Patricia Ugalde, Christine Corbin, Kristen Mincer, Austin Boehm, Robert Cain, Jake Comstock, Krista Connors, Drew Corbin, Jeff Downs, Kanani Fisher, Jacob Gregory, Sharlee Kaster, Jessica Lewis, Bobby Mills, Rebecca Nemeth, Myles Oceguera, Chris Porras, Alex Skiles, Amanda Tye, Tanehia Ugalde, Monique Whitaker, Aaron Fraker, Dustin Anderson, Troy Buck, Kadee Buckmaster, Derrek Durna, Christina Fagundes, Odome Jackson, Regina Jamonida, Alvin Juris, Jared Knox, Rachel Maloy, Reed Owens, Kolby Peevers, David Saporito, Gabrielle Stone, Kaley Mann, Sydnee Weddell, Brian Wilberg, Joel Mincer and Angie Oceguera.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Dee Rose, Lisa Hovden, Emily Meeks, Juan Monrroy, Arlette Munoz, Daniel Neiman, Bethany Perez, Barbara Perkins, Tiffany Rampley, Eric Rosales, Daniel Scarbrough, Kevin Smith, Makala Tronson, Alex Updegrove, Kyle Vaughn, Derek Vondrak, Jamie Wiest, Leah Williams, Terili Wilson, Hannah Works, Melissa Wurster, Carlos Zeledon, Heather Carpenter, Jermaine Neunswander, Stephanie Painter, Raul Beltran, Matthew Vineis, Jean Kuam, Blake Anderson, Erica Arbour, Ayla Bender, Cole Bjork, Ross Britton, Richard Brown,

Forrest Chattin, Owen Craugh, Jennifer Diamond, Jonathon Fabre, Derek Gates, Nathanael Gonzalez, Ariel Haley, Derek Haynes, Adrian Hernandez, Andrew Hill, Chevelle James, Grant Jeppson, Raylene Kennison, Tracie Kruse, Lindsey Lee, Sara Lindsay, Johnathon Martinez, Kyle Petterson, Abby Pitts, Joshua Rubin, Adam Runzel, Jessica Steele, Jeffrey Vanepps, Wayne Wardrip, Raquel Coombs, Jennifer Atchian, Sarah Barragan, Denielle Beebe, Jonathan Carsten, Meagan Carter, Kirsten Chandler, Kaitlyn Cooper, Nicole Gildea, Tabitha Hann, Ryan Hart, Stephen Hobdy, Jennifer King, Jordan Kochamp, Jillian Malkiewich, Brianne Melton, Joanna Plants, Keith Powers, Kiona Roath, Chris Rosales, Lori Schneider, Joseph Scurti, Noel Smith, Danielle Sulser, Brenda Soriano, Allen Simpson, Mario Cruzaley, Caitlin Hanson, Kris Sharp, Jennifer Adams, Brittany Armas, Megan Asire, Zackary Bergstrom, Fred Combs, Chelsi Dunning, Marlene Fierro, Rose Greer, Sydnea Hanses, Stephen Harris, Shepherd Hartman, Matthew Heath, Stephen Hettrick, April Hyatt, Isreal Lozano, Jason Mather, Ashley Maxwell, Wes Reddick, Amanda Reynolds, Karena Sanchez, Kelsey Settle, Eric Sheldon, Brian Smith, Chad Tripp, Jessica Weaver, Gissela Roque, Ashley Davis, Rubin Casillas, Ricardo Montes, Stephanie Benson, Allison Fether, Nathanael Gonzalez, Ariel Haley, Dennis Harrison, Ryan Hart, Adrian Hernandez, Emily Meeks, Joseph Scurti, Matthew Vineis and Nicole Wengren.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Peterson and Marilyn Peterson.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 31, 2001 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:08 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 31, 2001

Assembly called to order at 11:50 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord, where would we be without water and food and family and basic essentials and even extravagant luxuries—not to mention all these delicious almonds. Thank You, Father. Where would we be without our support staff—the secretaries, the bookkeepers, the front desk, the full-time LCB staff, the police, the seasonal hires. Thank You, Father.

FAMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess for the purpose of a presentation by Victor Tseng, Director General, Taipei Economic and Cultural Office in San Francisco.

Assembly in recess at 12:00 p.m.

ASSEMBLY IN SESSION

At 1:05 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Government Affairs.

ELLEN M. KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 597, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 139, 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 285, 454, 531, 598.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 4, Amendment No. 1111; Assembly Bill No. 447, Amendment Nos. 928, 1146, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 54, Senate Amendment No. 663, and requests a conference, and appointed Senators Porter, Washington and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 133, Senate Amendment No. 1044, and requests a conference, and appointed Senators Townsend, O'Connell and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 653, Senate Amendment No. 926, and requests a conference, and appointed Senators Schneider, O'Connell and Coffin as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 295, 445, 449, 459.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 576.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 814 to Senate Bill No. 219; Assembly Amendment No. 811 to Senate Bill No. 527.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment Nos. 993, 1114 to Senate Bill No. 216; Assembly Amendment Nos. 1135, 1143 to Senate Bill No. 357.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Townsend and Mathews as a first Conference Committee concerning Senate Bill No. 116.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Townsend and Mathews as a first Conference Committee concerning Senate Bill No. 482.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Joint Resolution No. 15—Urging the President and the Congress of the United States to support the participation of Taiwan of the Republic of China in the World Health Organization.

Assemblyman Dini moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on the top of third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblymen Dini, Buckley, Anderson, Hettrick, Nolan and Humke.

Assemblyman Dini requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Nevada has enjoyed its political and economic ties with Taiwan for many years. In 1985, Taiwan was designated as Nevada's sister state. This resolution urges the United States Congress to support the participation of Taiwan of the Republic of China, in the World Health Organization. Participation in an international program such as the World Health Organization is crucial to world health to prevent the potential spread of various infectious diseases which increase proportionately with the increase in world trade and travel. This country's population of 21 million is larger than three-quarters of the member states already in the World Health Organization. Taiwan shares the noble goals of the organization and is committed to assist financially or technically in international aid and health activities. I therefore urge this house to

support this resolution to tell the Congress to support their efforts to become a member of this organization.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I rise in strong support of AJR 15. As this body works on health care issues, every session, I think all of us in this body are well aware the health care needs of every state and nation. It is so important, I believe, for the participation in the World Health Organization, as the resolution clearly states. As we move in friendship with our colleagues who have joined us here today, I would like to rise in strong support that we send a message to the President and the Congress to consider the health care needs first, and do all it can to ensure Taiwan of the Republic of China, finally gets the participation they deserve, back, to join the World Health Organization.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of the resolution. Both in recognition of the commitment of the State of Taiwan of the Republic of China to its rightful position as a world health participant. I think it is only fitting that we recognize this more so, not just because she's our sister state, but because of her position as a world leader, in terms of its economic position and its contribution for its citizens. It deserves and needs this type of recognition.

ASSEMBLYMAN HETRICK:

Thank you, Mr. Speaker. I, too, rise in support of AJR 15. I think it is important to recognize that Taiwan is not asking to step into this without being a willing participant and a partner in the funding and the technology that is a part of the World Health Organization. They have offered to participate in every way and be a true partner in the World Health Organization. I think the United States and the rest of the world need to recognize their willingness to help all of us benefit, not just for their own but for the entire world's benefit, so I truly support this resolution and trust all of us will send that message.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. I, too, rise in support of AJR 15. It doesn't take much to draw correlation between our efforts to provide health care, as my colleague from Clark County said, to our rural areas and the health care that is needed in so many disadvantaged countries in the same region of the world, in which Taiwan exists. It would only be fitting that the assistance they have offered, Taiwan being advanced culturally and financially, would have world class physicians which they could lend to the efforts of these other disadvantaged countries. I strongly support AJR 15.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of AJR 15 and would echo the remarks of previous speakers. It is not hard to imagine that the regional leader, the Asian leader of all countries, would be the leader in the health care field as well. We need to support this resolution, to support our sister state with whom we have such great relations. Thank you, Mr. Speaker.

Roll call on Assembly Joint Resolution No. 15:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Dini moved that all rules be suspended and that Assembly Joint Resolution No. 15 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Perkins, Buckley and Hettrick:

Assembly Resolution No. 14—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted unanimously.

Assemblywoman Buckley moved that Assembly Bill No. 597 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 21 and Senate Bills Nos. 207, 208, 402, 574, 139, 307 and 321 be placed on the Second Reading File.

Assemblywoman Buckley moved that Senate Bill No. 500 be placed on the General File.

Motion carried.

Assemblywoman Buckley moved that the reading of histories of all Bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 531 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 295.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 445.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 449.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 459.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 576.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 597.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1163.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. There is hereby appropriated from the state general fund to the Department of Motor Vehicles and Public Safety the sum of \$431,046 for the Division of Parole and Probation to be distributed as follows:

1. For computer hardware and software equipment \$306,748
2. For telecommunication costs for fiscal year 2001-2002 \$62,149
3. For telecommunication costs for fiscal year 2002-2003 \$62,149

Sec. 2. 1. Any remaining balance of the appropriation made by subsection 1 of section 1 of this act must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

2. Any remaining balance of the appropriation made by subsection 2 of section 1 of this act must not be committed for expenditure after June 30, 2002, and reverts to the state general fund as soon as all payments of money committed have been made.

3. Any remaining balance of the appropriation made by subsection 3 of section 1 of this act must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. 1. This section and subsection 1 of section 1 of this act become effective upon passage and approval.

2. Subsection 2 of section 1 of this act becomes effective on July 1, 2001.

3. Subsection 3 of section 1 of this act becomes effective on July 1, 2002.”.

Amend the title of the bill, second line, after “computers for” by inserting: “and ongoing telecommunication costs of”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Motor Vehicles and Public Safety for purchase of computers for and ongoing telecommunication costs of Division of Parole and Probation. (BDR S-1382)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 21.

Bill read second time and ordered to third reading.

Senate Bill No. 207.

Bill read second time and ordered to third reading.

Senate Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1169.

Amend sec. 2, page 2, between lines 10 and 11, by inserting:

“4. *The health division may solicit and accept gifts and grants to pay the costs associated with the position of state dental health officer.*”.

Amend sec. 3, page 2, between lines 34 and 35, by inserting:

“4. *The health division may solicit and accept gifts and grants to pay the costs associated with the position of state public health dental hygienist.*”.

Amend the bill as a whole by deleting sec. 12 and inserting:

“Sec. 12. (Deleted by amendment.)”.

Amend the bill as a whole by renumbering sections 16 and 17 as sections 17 and 18 and adding a new section designated sec. 16, following sec. 15, to read as follows:

“Sec. 16. Section 7.5 of Senate Bill No. 133 of this session is hereby amended to read as follows:

Sec. 7.5 NRS 631.290 is hereby amended to read as follows:

631.290 1. Any person is eligible to ~~{take an examination}~~ *apply* for a license to practice dental hygiene in this state who:

(a) Is of good moral character;

(b) Is over 18 years of age;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and

(d) Is a graduate of a school of dental hygiene or other institution that awards at least an associate degree upon completion of the program and that

is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental hygiene must:

(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and

(2) Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its academic equivalent.

2. To determine whether a person has good moral character, the board may consider whether his license to practice dental hygiene in another state has been suspended or revoked or whether he is currently involved in any disciplinary action concerning his license in that state.”.

Amend sec. 16, page 7, by deleting lines 9 and 10 and inserting:

“Sec. 17. Notwithstanding the provisions of sections 2 and 3 of this act, for the fiscal years 2001-2002 and 2002-2003:

1. The health division may, in lieu of complying with the provisions of sections 2 and 3 of this act, appoint a”.

Amend sec. 16, page 7, line 16, by deleting “Each” and inserting: “Unless the health division provides otherwise, each”.

Amend sec. 16, page 7, line 17, by deleting “act,” and inserting “act”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 402.

Bill read second time and ordered to third reading.

Senate Bill No. 574.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1170.

Amend sec. 18, page 4, line 38, by deleting “10” and inserting “8.5”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 139.

Bill read second time and ordered to third reading.

Senate Bill No. 307.

Bill read second time and ordered to third reading.

Senate Bill No. 321.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 343 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 378.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Bill No. 378:

YEAS—42.

NAYS—None.

Assembly Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 508.

Bill read third time.

Roll call on Assembly Bill No. 508:

YEAS—42.

NAYS—None.

Assembly Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 564.

Bill read third time.

Remarks by Assemblywomen Giunchigliani, Koivisto and Angle.

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Assembly Bill 564 is a key piece of legislation that will benefit our retirees as well as our current employees. When we voted this bill out, as amended, in Ways and Means it was asked that I read a letter of intent on the floor. I will submit it for the record if I may. As originally drafted AB 564 would have placed into statute a provision requiring the Public Employees Benefits Program to return to a coordination of benefits for Medicare retirees in the group health plan following the Medicare "carve out" of 1999. That statutory change was sought because the plan has not fully eliminated the impact of the carve out despite a 1999 Legislative Letter of Intent stating the carve out be eliminated or partially restored due to the disproportionate impact it had on retirees over 65 years of age. There has been some reduction on out-of-pocket costs for Medicare retirees in the plan from \$3000 (for the year 2000) down to \$2000 (for 2001). However relative to AB 564 the Ways and Means Committee requested a Letter of Intent expressing its continuing intention to ask the board to eliminate the impact the carve out on our Medicare retirees.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 564:

YEAS—42.

NAYS—None.

Assembly Bill No. 564 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 596.

Bill read third time.

Roll call on Assembly Bill No. 596:

YEAS—42.

NAYS—None.

Assembly Bill No. 596 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that all Assembly bills passed this legislative day be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 232.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 232:

YEAS—40.

NAYS—Angle, Gustavson—2.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Roll call on Senate Bill No. 500:

YEAS—41.

NAYS—None.

NOT VOTING—Goldwater.

Senate Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 194 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 531.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1168.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 13 as sections 1 through 12.

Amend sec. 2, page 2, lines 12 and 13, by deleting: "*and section 1 of this act*,".

Amend sec. 8, page 4, by deleting lines 7 through 11 and inserting:

"(a) *Is in the unclassified service of the state* ~~[-~~

~~3. Except as otherwise provided in NRS 284.143, the director shall~~ ;

(b) *Serves at the pleasure of the commission; and*

(c) *Shall devote his entire time and attention to the business of his*".

Amend sec. 10, page 4, by deleting lines 33 through 39 and inserting:

"(a) *Is in the unclassified service of the state* ~~[-~~

~~3. Except as otherwise provided in NRS 284.143, the deputy director shall~~ ; and

(b) *Shall devote his entire time and attention to the business of his*".

Amend sec. 11, pages 4 and 5, by deleting lines 45 through 49 on page 4 and lines 1 and 2 on page 5, and inserting: "*out his functions and duties. The assistants and employees have such duties as may be prescribed by the executive director*,".

Amend the bill as a whole by deleting sections 14 and 15 and renumbering sections 16 through 19.5 as sections 13 through 17.

Amend the bill as a whole by deleting sec. 20 and renumbering sections 21 and 22 as sections 18 and 19.

Amend the title of the bill to read as follows:

"AN ACT relating to the Colorado River commission; changing the name of the commission to the Colorado River commission of Nevada; changing the titles of certain officers of the commission; removing the option of the executive director of the commission and the deputy executive director of the commission to engage, under certain circumstances, in a business or occupation or hold another office for profit that is in addition to their employment with the commission; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning Colorado River commission. (BDR 48-354)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Neighbors and Tiffany as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 653.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Chowning moved that the Assembly do not recede from its action on Senate Bill No. 303, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Chowning.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ohrenschall, Smith and Nolan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 303.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Koivisto moved that the Assembly do not recede from its action on Senate Bill No. 377, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Koivisto.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McClain, Williams and Gibbons as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 377.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Senate Bill No. 319 be re-referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 447.

The following Senate amendment was read:

Amendment No. 928.

Amend sec. 6, page 1, by deleting lines 20 and 21 and inserting:

“Sec. 6. *“Home loan” means a consumer credit transaction that:*

1. *Is secured by a mortgage loan which involves real property located within this state; and*

2. *Constitutes a mortgage under § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.”.*

Amend the bill as a whole by deleting sections 7 and 8 and inserting:

“Secs. 7 and 8. (Deleted by amendment.)”.

Amend sec. 11, page 2, line 20, by deleting “assets.” and inserting: “assets, including, without limitation, income.”.

Amend sec. 11, page 2, by deleting line 22 and inserting: “refinancing by the original borrower of a home loan owned by the lender or an affiliate of the lender.”.

Amend sec. 11, page 2, line 40, by deleting “WITHOUT FINANCING”.

Amend sec. 11, page 2, by deleting lines 42 and 43.

Amend sec. 12, page 3, line 11, after “lender” by inserting “willfully”.

Amend sec. 12, page 3, by deleting lines 13 through 18 and inserting: “loan, the lender is liable to the borrower in an amount equal to the sum of:

(a) *Three times the amount of actual damages sustained by the borrower; and*

(b) *If an action brought by the borrower is successful in enforcing the liability imposed by paragraph (a), the costs of bringing the action and reasonable attorney’s fees as determined by the court.*

3. *The borrower has a defense against the unpaid obligation of the home loan to the extent of any amount awarded by a court pursuant to paragraph (a) of subsection 2, and the court, in addition to any other legal or equitable remedy, may cure any existing default of the home loan and cancel any pending foreclosure sale, trustee’s sale or other sale to enforce the home loan.”.*

Amend sec. 13, page 3, by deleting lines 22 through 24 and inserting: “general in an amount not to exceed \$5,000.”.

Amend the bill as a whole by deleting sections 15 and 16 and inserting:

“Secs. 15 and 16. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section designated sec. 18.5, following sec. 18, to read as follows:

“Sec. 18.5. The provisions of this act apply only to home loans entered into on or after October 1, 2001.”.

Assemblyman Dini moved that the Assembly do not concur in the Senate Amendment No. 928 to Assembly Bill No. 447.

Remarks by Assemblyman Dini.

Motion carried.

The following Senate amendment was read:

Amendment No. 1146.

Amend sec. 12, page 3, line 9, after “who” by inserting “willfully”.

Amend sec. 13, page 3, line 26, after “who” by inserting “willfully”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 1146 to Assembly Bill No. 447.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Dini moved that the Assembly do not recede from its action on Senate Bill No. 216, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Dini.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Oceguera and Nolan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 216.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 627

The following Senate amendment was read:

Amendment No. 736.

Amend the bill as a whole by renumbering sections 2 through 9 as sections 13 through 20 and adding new sections designated sections 2 through 12, following section 1, to read as follows:

“Sec. 2. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 12, inclusive, of this act.

Sec. 3. *As used in sections 3 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Commissioner” means the commissioner of the consumer affairs division of the department of business and industry.*

Sec. 5. *“Division” means the consumer affairs division of the department of business and industry.*

Sec. 6. *“Seller of travel” means a person who offers for sale, directly or indirectly, transportation by air, land, rail or water, travel services, vacation certificates or any combination thereof, to a person or group of persons for a fee, commission or other valuable consideration. The term:*

1. *Includes any person who offers membership in a travel club or any services related to travel for an advance fee or payment.*

2. *Does not include:*

(a) *A hotel that provides or arranges travel services for its patrons or guests; or*

(b) A person who, for compensation, transports persons or property by air, land, rail or water.

Sec. 7. "Travel services" include, without limitation, short-term leases of passenger cars, lodging, transfers, sight-seeing tours and any other services that are related to travel by air, land, rail or water or any other method of transportation.

Sec. 8. "Vacation certificate" means any document received by a person for consideration paid in advance which evidences that the holder of the document is entitled to:

- 1. Transportation by air, land, rail or water; or*
- 2. The use of lodging or other facilities for a specified period, during the period for which the certificate is valid.*

Sec. 9. 1. Before advertising its services or conducting business in this state, a seller of travel must register with the division by:

(a) Submitting to the division an application for registration on a form prescribed by the division;

(b) Paying to the division a fee of \$25; and

(c) Depositing the security required pursuant to section 10 of this act, if any, with the division.

2. The division shall issue a certificate of registration to the seller of travel upon receipt of:

(a) The security in the proper form if the seller of travel is required to deposit security pursuant to section 10 of this act; and

(b) The payment of the fee required by this section.

3. A certificate of registration:

(a) Is not transferable or assignable; and

(b) Expires 1 year after it is issued.

4. A seller of travel must renew a certificate of registration issued pursuant to this section before the certificate expires by:

(a) Submitting to the division an application for the renewal of the certificate on a form prescribed by the division; and

(b) Paying to the division a fee of \$25.

Sec. 10. 1. Except as otherwise provided in subsection 8, each seller of travel shall deposit with the division:

(a) A bond executed by a corporate surety approved by the commissioner and licensed to do business in this state;

(b) An irrevocable letter of credit for which the seller of travel is the obligor, issued by a bank whose deposits are federally insured; or

(c) A certificate of deposit in a financial institution which is doing business in this state and which is federally insured or insured by a private insurer approved pursuant to NRS 678.755. The certificate of deposit may be withdrawn only on the order of the commissioner, except that the interest may accrue to the seller of travel.

2. The term of the bond, letter of credit or certificate of deposit, or any renewal thereof, must be not less than 1 year.

3. *The amount of the bond, letter of credit or certificate of deposit, or any renewal thereof, must be \$50,000.*

4. *If the seller of travel deposits a bond, the seller of travel shall keep accurate records of the bond and the payments made on the premium. The records must be open to inspection by the division during business hours. The seller of travel shall notify the division not later than 30 days before the date of expiration of the bond and provide written proof of the renewal of the bond to the division.*

5. *The commissioner may reject any bond, letter of credit or certificate of deposit that fails to comply with the requirements of this chapter.*

6. *A seller of travel may change the form of security that he has deposited with the division. If the seller of travel changes the form of the security, the commissioner may retain for not more than 1 year any portion of the security previously deposited by the seller of travel as security for claims arising during the time the previous security was in effect.*

7. *If the amount of the deposited security falls below the amount required by this chapter for that security, the seller of travel shall be deemed not to be registered as required by section 9 of this act for the purposes of this chapter.*

8. *The provisions of this section do not apply to a seller of travel who is accredited by and appointed as an agent of the Airlines Reporting Corporation.*

Sec. 11. 1. *The security required to be deposited by a seller of travel pursuant to section 10 of this act must be held in trust for consumers injured as a result of:*

(a) *Any act of fraud or misrepresentation by the seller of travel acting in his capacity as a seller of travel;*

(b) *The bankruptcy of the seller of travel; or*

(c) *The breach of any contract entered into by the seller of travel in his capacity as a seller of travel.*

2. *A consumer so injured may bring and maintain an action in any court of competent jurisdiction to recover against the security.*

3. *The division may bring an action for interpleader against all claimants upon the security. If the division brings such an action, the division shall publish notice of the action at least once each week for 2 weeks in a newspaper of general circulation in the county in which the seller of travel has its principal place of business. The division may deduct its costs of the action, including the costs of the publication of the notice, from the amount of the security. All claims against the security have equal priority. If the security is insufficient to pay all the claims in full, the claims must be paid pro rata. If the seller of travel has posted a bond with the division, the surety is then relieved of all liability under the bond.*

4. *The division may, in lieu of bringing an action for interpleader pursuant to subsection 3, conduct a hearing to determine the distribution of the security to claimants. The division shall adopt regulations to provide for*

adequate notice and the conduct of the hearing. If the seller of travel has posted a bond with the division, distribution pursuant to this subsection relieves the surety of all liability under the bond.

5. If the security is sufficient to pay all claims against the security in full, the division may deduct from the amount of the security, the cost of any investigation or hearing it conducted to determine the distribution of the security.

Sec. 12. 1. If no claims have been filed against the security deposited with the division pursuant to section 10 of this act within 6 months after the seller of travel ceases to operate or his registration expires, whichever occurs later, the commissioner shall release the security to the seller of travel and shall not audit any claims filed against the security thereafter by consumers.

2. If one or more claims have been filed against the security within 6 months after the seller of travel ceases to operate or his registration expires, whichever occurs later, the proceeds must not be released to the seller of travel or distributed to any consumer earlier than 1 year after the seller of travel ceases to operate or his registration expires, whichever occurs later.

3. For the purposes of this section, the commissioner shall determine the date on which a seller of travel ceases to operate.”.

Amend sec. 2, page 3, between lines 28 and 29, by inserting:

“~~[15.]~~ 16. Knowingly falsifies an application for credit relating to a retail installment transaction, as defined in NRS 97.115.”.

Amend sec. 3, page 3, between lines 44 and 45, by inserting: “The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney’s fees and costs.”.

Amend sec. 3, page 4, by deleting line 10 and inserting:

“598.840 to 598.966, inclusive, or ~~[598.992,]~~ sections 3 to 12, inclusive, of this act, fails to comply with a ”.

Amend sec. 6, page 5, by deleting line 18 and inserting:

“598.946 1. Except as otherwise provided in subsection 5, before”.

Amend sec. 6, page 5, line 19, by deleting “Before”.

Amend sec. 6, page 5, by deleting lines 22 through 24 and inserting: “NRS 598.2807. The security must ~~[be]~~ :

(a) Be conditioned on compliance by the owner with the provisions of NRS 598.940 to 598.966, inclusive, and the terms of the contract with a buyer ~~[]~~ ; and

(b) Remain on deposit with the division until the release of the security is authorized or required pursuant to NRS 598.2809, except that the dance studio or health club may change the form of the security as provided in NRS 598.2807.”.

Amend sec. 6, page 6, by deleting lines 1 through 9 and inserting:

“5. ~~[If a dance studio or health club has actively conducted business for not less than 4 consecutive years and has not changed ownership or, in the case of a corporation, not more than 25 percent of its authorized shares have~~

~~been transferred, it is not required to deposit security with the division pursuant to NRS 598.2807.~~ If, on October 1, 2001, a dance studio or health club ~~[does not deposit such security, it shall]~~ has not deposited security with the division pursuant to NRS 598.2807 because it was not required to do so pursuant to this section, the dance studio or health club:

(a) Is not required to deposit security with the division pursuant to NRS 598.2807; and

(b) Shall obtain a written acknowledgment from each member and prominently post a notice on its premises stating that no security for refunds or reimbursement has been deposited with the State of Nevada.”.

Amend sec. 8, page 6, line 11, by deleting “4” and inserting “15”.

Amend sec. 9, page 6, by deleting line 28 and inserting:

“Sec. 20. 1. This section, sections 1 to 12, inclusive, and 14 to 19, inclusive, of this act become effective on October 1, 2001.

2. Section 13 of this act becomes effective at 12:01 a.m. on October 1, 2001.”.

Amend the title of the bill by deleting the seventh line and inserting: “with the consumer affairs division; requiring certain sellers of travel to register and deposit security with the consumer affairs division; authorizing certain consumers to bring and maintain actions to recover against the security; providing for the release of the security within a certain period after the seller of travel ceases to operate; and providing other matters properly relating”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 736 to Assembly Bill No. 627.

Remarks by Assemblyman Dini.

Motion carried by a two-thirds constitutional majority.

The following Senate amendment was read:

Amendment No. 841.

Amend sec. 14, page 6, by deleting line 22 and inserting: “pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of ~~[this act]~~ Assembly Bill No. 337 of this session upon a”.

Amend sec. 14, page 6, by deleting lines 29 through 32 and inserting: “enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of ~~[this act]~~ Assembly Bill No. 337 of this session.

2. In any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of ~~[this act]~~ Assembly Bill No. 337 of this session, if the court finds that a person has willfully engaged in a”.

Amend sec. 14, page 7, line 2, by deleting “inclusive, 598.100” and inserting: “inclusive, and section 1 of ~~[this act]~~ Assembly Bill No. 337 of this session, 598.100”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 841 to Assembly Bill No. 627.

Remarks by Assemblyman Dini.

Motion carried by a two-thirds constitutional majority.

The following Senate amendment was read:

Amendment No. 958.

Amend section 1, page 1, by deleting section 1 and inserting:

“Section 1. (Deleted by amendment.)”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 958 to Assembly Bill No. 627.

Remarks by Assemblyman Dini.

Motion carried by a two-third's constitutional majority.

The following Senate amendment was read:

Amendment No. 1086.

Amend sec. 2, page 1, line 3, by deleting “12,” and inserting “13,”.

Amend sec. 6, page 2, line 7, by deleting “or”.

Amend sec. 6, page 2, line 9, by deleting “water.” and inserting: “water; or (c) A tour broker or tour operator who is subject to the provisions of sections 2 to 14, inclusive, of Assembly Bill No. 245 of this session.”.

Amend sec. 7, page 2, by deleting lines 10 through 13 and inserting:

“Sec. 7. “Travel services” includes, without limitation:

1. Short-term leases of passenger cars;
2. Lodging;
3. Transfers;
4. Sightseeing tours other than sightseeing tours for which a tour broker or tour operator is regulated pursuant to sections 2 to 14, inclusive, of Assembly Bill No. 245 of this session; and
5. Any other services that are related to travel by air, land, rail or water or any other method of transportation.”.

Amend the bill as a whole by renumbering sections 13 through 17 as sections 14 through 18 and adding a new section designated sec. 13, following sec. 12, to read as follows:

“Sec. 13. *The commissioner of the consumer affairs division of the department of business and industry may adopt regulations governing the disclosures that must be made by a provider to a customer before the customer may be charged for a telecommunications service.*”.

Amend sec. 14, page 5, by deleting line 25 and inserting: “and section 1 of Assembly Bill No. 337 of this session upon a”.

Amend sec. 14, page 5, by deleting line 33 and inserting: “and section 1 of Assembly Bill No. 337 of this session.”.

Amend sec. 14, page 5, by deleting lines 35 and 36 and inserting: “598.0999, inclusive, and section 1 of Assembly Bill No. 337 of this session, if the court finds that a person has willfully engaged in a”.

Amend sec. 14, page 6, by deleting lines 8 through 10 and inserting: “inclusive, and section 1 of Assembly Bill No. 337 of this session, 598.100 to 598.2801, inclusive, 598.281 to 598.289, inclusive, 598.840 to 598.966, inclusive, sections 2 to 14, inclusive, of Assembly Bill No. 245 of this ~~act or~~ ~~598.992,~~ session or sections 3 to 12, inclusive, of this act,”.

Amend the bill as a whole by renumbering sections 18 through 20 as sections 20 through 22 and adding a new section designated sec. 19, following sec. 17, to read as follows:

“Sec. 19. NRS 598.968 is hereby amended to read as follows:

598.968 As used in NRS 598.968 to 598.9694, inclusive, *and section 13 of this act*, unless the context otherwise requires, the words and terms defined in NRS 598.9682 and 598.9684 have the meanings ascribed to them in those sections.”.

Amend sec. 19, page 8, line 22, by deleting “15” and inserting “16”.

Amend sec. 20, page 8, line 39, by deleting: “12, inclusive, and 14 to 19,” and inserting: “13, inclusive, and 16 to 21,”.

Amend sec. 20, page 8, line 41, by deleting: “Section 13 of this act becomes” and inserting: “Sections 14 and 15 of this act become”.

Amend the title of the bill to read as follows:

“AN ACT relating to trade practices; authorizing the commissioner of the consumer affairs division of the department of business and industry to adopt regulations governing the disclosures that must be made by a provider of a telecommunications service to a customer before the customer is charged for the service; expanding the definition of “deceptive trade practice” to include certain advertising practices relating to goods or services; revising the provisions governing certificates of registration issued to certain registrants by the consumer affairs division; requiring the renewal of those certificates of registration; increasing the amount of the security that certain dance studios and health clubs are required to deposit with the consumer affairs division; requiring certain sellers of travel to register and deposit security with the consumer affairs division; authorizing certain consumers to bring and maintain actions to recover against the security; providing for the release of the security within a certain period after the seller of travel ceases to operate; and providing other matters properly relating thereto.”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 1086 to Assembly Bill No. 627.

Remarks by Assemblyman Dini.

Motion carried by a two-thirds constitutional majority.

The following Senate amendment was read:

Amendment No. 1136.

Amend sec. 13, page 4, by deleting lines 38 and 39 and inserting:

“Sec. 13. *The public utilities commission of Nevada may adopt regulations governing*”.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to trade practices; authorizing the public utilities commission of Nevada to adopt regulations”.

Assemblyman Dini moved that the Assembly concur in the Senate Amendment No. 1136 to Assembly Bill No. 627.

Remarks by Assemblyman Dini.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman de Braga moved that the Assembly do not recede from its action on Senate Bill No. 357, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman de Braga.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen de Braga, Bache and Brown as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 357.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 307 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman de Braga moved that the Assembly do not recede from its action on Senate Bill No. 62, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman de Braga.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen de Braga, Bache and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 62.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 187, 189, 507, 517, 524, 527, 529, 532, 533; Senate Bill No. 581.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 530, Amendment No. 1152; Assembly Bill No. 618, Amendment No. 1153, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 37.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 84, 442, 463, 579.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 84.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 442.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 463.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 579.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 581.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. Today is Cowboy Hall of Fame day in the Nevada Assembly. Mr. Williams and I have the special honor to induct special people into the Cowboy Hall of Fame today. If you don't make it this time, just remember if you stay here long enough, you will become a member of the Cowboy Hall of Fame. Maybe Mr. Williams would like to make a preliminary statement on what the Hall of Fame is all about.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. First of all, I want to tell all the members why it is better to be a cowboy than to be a politician. First of all, a cowboy gets up early in the morning and he decides what he is going to do. He then straddles his horse and he gets to work. He spends as little money as he can. He does the best he can. A politician, on the other hand, gets up late in the morning, straddles the fence, spends all the money he can, gets all the votes lined up, then he decides what to do. So, Mr. Speaker, being a charter member of the Cowboy Hall of Fame and the only urban cowboy in the Hall of Fame, I was somewhat reluctant to accept the position my

colleague from Elko has taken, but being an honorary resident of Elko, I had to go along with that as well. Getting into the Cowboy Hall of Fame is something that is not easily and readily done. Living in the West is one of the things we honor and respect throughout the State. Those members that we induct into the Hall of Fame today take this induction with a lot of pride and honor. You have to be able to sit out on the range by the campfire. You just can't get up on a horse, put him in a trailer, and drive where you have to go. You have to ride out to the range, eat the beans from the can, recite the poetry and live the cowboy way. With that, Mr. Speaker, we would like to, with your indulgence, present to you today, the member of the Cowboy Hall of Fame. We would like to ask that we have as much decorum and respect as possible when we do this. I would hate to do what a cowboy had to do down in Texas.

This cowboy rode into town and he wanted a drink. He pulled into a saloon. It was one of those towns where the local people had a habit of picking on strangers. So this particular cowboy rode into town and had his drink at the saloon. We he went back outside someone had stolen his horse. He walked back into the bar and said, "Don't make me do what I had to do down in Texas. I'm going to have another drink. When I finish, I expect my horse to be back where I left it." He took his gun out, threw it up in the air without even looking, caught it and shot the chandelier out. He drank one more beer and went back outside. His horse was sitting right where he had left it. He got on his horse and started to ride out of town when the bartender staggered outside. He asked, "By the way, stranger. What did you have to do down in Texas?" The cowboy turned around and said, "I had to walk the rest of the way to where I was going." So, we don't want to do what we had to do in Texas when we do this.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. THE COWBOY WAY: Write it in your heart. Stand by the code and it will stand by you. Ask no more and give no less than honesty, courage, loyalty, generosity, fairness and never forget their constituents name.

ASSEMBLYMAN WILLIAMS:

Speaker Rich "The Kid" Perkins is a native Nevadan, born in Boulder City and first elected to the Nevada Assembly in 1993 serving five regular sessions by following the cowboy rule of, "Talk low, talk slow and don't say too much." With that, we would like to induct Speaker Richard Perkins into the Cowboy Hall of Fame.

MR. SPEAKER:

Thank you, to Mr. Carpenter and Mr. Williams. It is an honor I am at a loss of words to describe.

ASSEMBLYMAN CARPENTER:

WHEREAS, Vonne "Boom Boom" Chowning is a graduate of the University of Nevada and has served six regular sessions and one special session by following the cowboy rule of, "The easiest way to eat crow is while it's still warm. The colder it gets, the harder it is to swallow." We want to now induct "Boom Boom" into the Cowboy Hall of Fame.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I need to tell all those people who have been trying to get into the Hall of Fame. One of the things you have to know how to do is the "hambone." You got to be able to do the "hambone" to get into the Cowboy Hall of Fame. If you need some lessons on that, I'll give you that lesson. WHEREAS, Dave "Hambone" Humke has served the state of Nevada as a United States Marine and in ten regular sessions and two special sessions by following the cowboy rule of, "It don't take a genius to spot a goat in a flock of sheep." We hereby induct David "Hambone" Humke into the Cowboy Hall of Fame.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker and ya'll. I've learned one thing from the charter members of the Hall of Fame—stop trying so hard and you'll get in. Thank you.

ASSEMBLYMAN CARPENTER:

WHEREAS, Lynn "Cool Hand" Hettrick was co-speaker of the Assembly in 1995 and has

served in five regular sessions by following the cowboy rule of, “Timing has a lot to do with the outcome of a rain dance.” Mr. Co-Speaker, you are now a member of the famous Cowboy Hall of Fame.

ASSEMBLYMAN WILLIAMS:

I just want to say to all those buckaroos, sidewinders, and cowpokes who might be listening out on the Internet today, there’s some very beautiful cowgirls in this facility today. With that, Mr. Speaker: WHEREAS, Chris “Bulldog” Giunchigliani received her Masters degree in Education from UNLV and has served six regular sessions by following the cowboy rule of, “Don’t worry about bitin’ off more’n you can chew; your mouth is probably a whole lot bigger’n you think.”

ASSEMBLYWOMAN GIUNCHIGLIANI:

From a “ka-girl” to a “ka-boy,” thank you very much. I am quite honored. I guess I will have to go out and do a tour of Elko again in the near future.

ASSEMBLYMAN CARPENTER:

This is a lot of fun. WHEREAS, Moose “Brush Popper” Arberry was educated in Nevada at Western High School and UNLV and has served in nine regular sessions and one special session by following the cowboy rule of, “If you’re ridin’ ahead of the herd, take a look back every now and then to make sure it’s still there with ya.”

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. We are trying to get through this as fast as we can but this is very important business for our State. WHEREAS, Bernard “Bubba” Anderson was born, raised and educated in the Great State of Nevada and has served six regular sessions by following the cowboy rule of, “The biggest troublemaker you’ll probably ever have to deal with watches you shave his face in the mirror every morning.”

ASSEMBLYMAN ANDERSON:

“Awww, shucks.”

ASSEMBLYMAN CARPENTER:

Now, for the guy that was really hoping he would get into the Cowboy Hall of Fame. It took us a long time to decide. WHEREAS, Tom “Rhinestone” Collins is a Nevada Power Company Apprentice Program graduate and has served four regular sessions by following the cowboy rule of, “Don’t try on another man’s hat. It’s almost as bad as getting on his horse.” So, with that Tom Collins, you are finally in the Cowboy Hall of Fame.

ASSEMBLYMAN COLLINS:

Mr. Speaker, members of this illustrious body, I am very proud to have finally made this accomplishment. This is a very important goal I have always had ever since I got into the Legislature. In fact, after not making it last time after the last session, I immediately went to Yerington where the best cattle in the State of Nevada are grown and bought seven heifers that were already bred so that I could really be a cowboy. It worked. Thank you, very much.

ASSEMBLYMAN CARPENTER:

Mr. Collins, buying those cows, you are going to be a broke cowboy.

ASSEMBLYMAN WILLIAMS:

Mr. Speaker, finally, probably the only real cowboy, other than my colleague from Elko and myself in this building—WHEREAS, Terry “Biscuit Roller” Sullivan is a native Nevadan raised in Lovelock and has served in the Assembly Sergeant at Arms office for four regular sessions by following the cowboy rule of, “Few cowboys ever owned much. The primary reward of being a cowboy was the pleasure of living a cowboy’s life.” We present the real cowboy of Nevada, Terry “Biscuit Roller” Sullivan.

ASSEMBLYMAN CARPENTER:

Thank you. We appreciate all of you being in the Assembly. Remember, if you stay here long enough, whether you like or not, you're going to get into the Cowboy Hall of Fame. This time there were so many people that should be in that we had to roll the dice, like we do in Nevada. It's the luck of the draw. Stay around and run again. RESOLVED BY THE LEGISLATIVE COWBOY HALL OF FAME, that these eight legislative members and one honorary member are recognized for their outstanding service in following the Cowboy Way; and be it further

RESOLVED that Rick "The Kid" Perkins, Vonne "Boom Boom" Chowning, Dave "Hambone" Humke, Lynn "Cool Hand" Hettrick, Chris "Bulldog" Giunchigliani, Moose "Brush Popper" Arberry, Bernard "Bubba" Anderson, Tom "Rhinestone" Collins and Terry "Biscuit Roller" Sullivan are hereby inducted into the Nevada Assembly Cowboy Hall of Fame. This official proclamation is signed by John "Boss" Carpenter and Wendell "Rowdy" Williams. Thank you, all.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 77, 102, 198, 225, 229, 235, 248, 273, 489, 581, 641, 643; Assembly Concurrent Resolutions Nos. 39, 40; Senate Bills Nos. 219, 527.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Dane.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Patti Ogren, Charlie Christy, Suzanne Myers, Gail Imzaki, Peggy Livingston, Maggie Lattimore, Karen Cummins, Dorothy Tanaka, Chelsie Christy, Ginny Delaski, Mary Ford Germano, Carolyn Gillis, Doris, Jackson and T.J. Gioia.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Yvonne Lewis.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Shanna Krueger, Mark Krueger, Nancy Bieberdorf, Victor Barajas, Tee Baratti, Tana Barker, Jason Cain, Justin Cavdill, Rebecca Coles, Allen Coyle, Jason Etchison, Chris Fleming, Shannon Fleming, Michael Janas, Kevin Kittel, Felicia Kunkle, Maggie Ladd, Stephanie Langley, Sarah McKenna, James McRae, Jeffrey Miller, Richard Moore, Marc Welson, Angela Wiblett, Leslie Wiblett, Sean Polish, Amy Schanhals, Mathew Spieth, Tricia Stransky, Rene Torres, Jenilee Acne, Roxanne Bales, Chris Becker, Matt Borremans, Ryan Dimit, Michelle Hulme, Jim Kepler, Dana Kincaid, Carissa Leach, Angela Longe, Carne Macall, Jason Manning, Brian Martin, Stephanie Nickerson, Robert Nylen, Rena-Lynn Powers, Louis Ramos, Cayla Reese, Melissa Robson, Matt Sobol, Sheila Toombs, Shane Van Zant, Sarah Vay, Rachelle Villeneuve, Tzeitel Volberdine, Katie Williams, Victor Tseng and Charles Liu.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Peterson and Lorry White.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Hanson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jane Johnson, Peggy Dehl, Tony Mariskanish, Julie Patterson, Markus Adams, Stephanie Adamson, Alex Angelo, Kelsey Berg, Max Brown, Sarah Crockett, Michelle Fleming, Walker Gotchy, Chelsea Haynes, Nikita Jensen, Llanie Ibarra, Shaun Kennedy, Matthew Kleinfeldt, James Kronenberg, Michael Lawrence, Jenny Lushing, Tony Mariskanish, Amanda Osborne, Kevin Patterson, Nick Rahm, Rachael Remington, Lisa Santillanez, Micah Trainor, Kelby Ward.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Martin.

Assemblyman Parks moved that the Assembly adjourn until Friday, June 1, 2001 at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:27 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), June 1, 2001

Assembly called to order at 1:07 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Father, I thank You for the books of Your law displayed at the entrances of this meeting place. A guest here this week asked, "If we followed the original ten laws in those books, would we really need the hundreds of laws that are made here?" I didn't have an answer. Thanks for giving us the responsibility of passing laws here, but help us to respect the Original ones too. I pray in the Name of all that is good and right and holy.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 431, 432, 435, 436, 437, 438, 439, 440, 441, 448, 450, 455, 456, 457, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 246, Senate Amendment No. 965, and requests a conference, and appointed Senators O'Donnell, Carlton and Jacobsen as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 483, Senate Amendment Nos. 769, 1112, and requests a conference, and appointed Senators Porter, Care and O'Donnell as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 500, Senate Amendment No. 911, and requests a conference, and appointed Senators Washington, McGinness and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1047 to Senate Bill No. 63; Assembly Amendment No. 775 to Senate Bill No. 150; Assembly Amendment No. 918 to Senate Bill No. 265; Assembly Amendment No. 915 to Senate Bill No. 395; Assembly Amendment No. 774 to Senate Bill No. 401; Assembly Amendment No. 862 to Senate Bill No. 466; Assembly Amendment Nos. 697, 787, 1037 to Senate Bill No. 487; Assembly Amendment No. 917 to Senate Bill No. 553; Assembly Amendment No. 749 to Senate Bill No. 568.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 824 to Senate Bill No. 202; Assembly Amendment No. 859 to Senate Bill No. 489; Assembly Amendment No. 1011 to Senate Bill No. 524; Assembly Amendment Nos. 863, 1061 to Senate Bill No. 565.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Donnell, Porter and Titus as a first Conference Committee concerning Senate Bill No. 554.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 51.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 1, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 52.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Nolan and Ohrenschall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 54.

Mr. Speaker appointed Assemblymen McClain, Claborn and Nolan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 246.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Senator William J. Raggio.

For: Assembly Bill No. 578.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).
With the following conditions:

May only be passed out of second house on or before June 3, 2001.
Has been granted effective: May 31, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

A Waiver requested by Senator William J. Raggio.
For: Assembly Bill No. 661.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 106th day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 113th day).
With the following conditions:

May only be passed out of second house on or before June 4, 2001.
Has been granted effective: May 31, 2001.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

Senate Concurrent Resolution No. 51.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblymen Smith and Nolan.

Resolution adopted.

Assemblywoman Buckley moved that for the balance of the session, that all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and joint resolutions reported out of committee without amendments declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

Assemblywoman Buckley moved that for the balance of the session, all bills and joint resolutions reported out of committee with amendments be immediately placed on the appropriate reading file.

Motion carried unanimously.

Assemblywoman Buckley moved that for the balance of the session, all rules be suspended and that all bills and joint resolutions passed be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblywoman Buckley moved that Standing Rule No. 92, which pertains to notices of bills, topics and public hearing, be suspended.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

Assemblywoman Buckley moved that for the balance of the session, the reading of the history on all bills and joint resolutions on Second Reading and General File be dispensed with.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 460 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Buckley moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 570.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1115.

Amend sec. 4, page 3, line 25, by deleting "10" and inserting "[10] 5".

Amend sec. 4, page 3, line 32, by deleting "10" and inserting "[10] 5".

Amend sec. 4, page 3, line 35, by deleting "*Measures*" and inserting: "*Except as otherwise provided in NRS 218.635, measures*".

Amend the bill as a whole by renumbering sections 14 through 16 as sections 15 through 17 and adding a new section designated sec. 14, following sec. 13, to read as follows:

"Sec. 14. NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the supreme court, employees in the unclassified service of the executive branch of the government of the State of Nevada, or employees of the legislative branch of the government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the state on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority. The benefit conferred by this subsection includes any exemption from the taking of a competitive examination, retention of credits for annual and sick leave and longevity, and priority on the lists of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

2. Except as otherwise provided in subsection 4, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

3. Except as otherwise provided in this subsection and subsection 4, a person may not transfer pursuant to subsection 1 to a class composed of:

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

4. The restrictions provided in subsections 2 and 3 do not apply to an employee of the supreme court, an employee in the unclassified service of the executive branch of government or an employee of the legislative branch of government whose appointment to that position was immediately preceded by an appointment in the classified service, except that such an employee may only transfer to a position in the classified service that has duties and compensation that are similar either to his current position or to a position he previously held in the classified service.

5. An employee in the classified service of the state who is granted leave without pay to accept a position in the legislative branch of government during a regular or special session:

(a) Is entitled to be restored to his previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if he had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that he would be eligible if he was not on leave from his position in the classified service.

6. *An employee of the legislative branch of the government of the State of Nevada who is employed at the conclusion of a regular session of the legislature and is eligible at that time pursuant to subsection 1 to transfer to a position having similar duties and compensation in the classified service of the state may transfer to such a position on or before November 1 following session notwithstanding the termination of his employment with the legislative branch of government before that date. For the purposes of this section, the weekly compensation of a person paid a daily salary during a legislative session is seven times the daily salary.”*

Amend the bill as a whole renumbering sec. 17 as sec. 19 and adding a new section, designated sec. 18, following sec. 16, to read as follows:

“Sec. 18. 1. The legislative commission shall review each legislative committee created by statute to determine whether:

(a) There is a need to continue the existence of the committee;

(b) The committee should be eliminated; or

(c) The committee should be scheduled for elimination at a future date.

The legislative commission shall conduct the review without appointing a subcommittee.

2. The legislative commission shall report the results of its review and any recommendations for legislation to the 72nd session of the Nevada legislature.”

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblymen Hettrick, Cegavske and Carpenter.

Conflict of interest declared by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 21:

YEAS—41.

NAYS—None.

NOT VOTING—Cegavske.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 597.

Bill read third time.

Roll call on Assembly Bill No. 597:

YEAS—42.

NAYS—None.

Assembly Bill No. 597 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 139.

Bill read third time.

Roll call on Senate Bill No. 139:

YEAS—42.

NAYS—None.

Senate Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 194:

YEAS—42.

NAYS—None.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 207.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 207:

YEAS—42.

NAYS—None.

Senate Bill No. 207 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblywomen Gibbons and Freeman.

Roll call on Senate Bill No. 208:

YEAS—42.

NAYS—None.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 321.

Bill read third time.

Roll call on Senate Bill No. 321:

YEAS—42.

NAYS—None.

Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 402.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Senate Bill No. 402:

YEAS—42.

NAYS—None.

Senate Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 531.

Bill read third time.

Roll call on Senate Bill No. 531:

YEAS—42.

NAYS—None.

Senate Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 574.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Senate Bill No. 574:

YEAS—42.

NAYS—None.

Senate Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Remarks by Assemblymen Parks, Brower and Buckley.

Roll call on Assembly Bill No. 460:

YEAS—41.

NAYS—Collins.

Assembly Bill No. 460 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Roll call on Senate Bill No. 431:

YEAS—42.

NAYS—None.

Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 432.

Bill read third time.

Roll call on Senate Bill No. 432:

YEAS—42.

NAYS—None.

Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 435.

Bill read third time.

Roll call on Senate Bill No. 435:

YEAS—42.

NAYS—None.

Senate Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Roll call on Senate Bill No. 436:

YEAS—42.

NAYS—None.

Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Brower and Williams as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 500.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 94.

The following Senate amendment was read:

Amendment No. 1064.

Amend sec. 1.5, page 2, by deleting line 31 and inserting:

“3. Except as otherwise provided in this subsection, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the state treasurer for credit to the account to assist persons formerly in foster care created pursuant to section 14.5 of this act.

4. Except as otherwise provided in subsection ~~[3,]~~ 5, a county recorder”.

Amend sec. 1.5, page 2, line 43, by deleting “4.” and inserting “5.”.

Amend sec. 1.5, page 3, line 1, by deleting “5.” and inserting “6.”.

Amend sec. 1.5, page 3, by deleting line 4 and inserting:

“~~[5-]~~ 7. Except as otherwise provided in subsection 2 or 3 or by an”.

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

“Sec. 6.5. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice’s court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$1,000 \$28.00

If the sum claimed exceeds \$1,000 but does not exceed \$2,500 50.00

If the sum claimed exceeds \$2,500 but does not exceed \$4,500 100.00

If the sum claimed exceeds \$4,500 but does not exceed \$6,500 125.00

If the sum claimed exceeds \$6,500 but does not exceed \$7,500 150.00

In all other civil actions 28.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000 25.00

If the sum claimed exceeds \$1,000 but does not exceed \$2,500 45.00

If the sum claimed exceeds \$2,500 but does not exceed \$5,000 65.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid him or them on filing the first paper in the action, or at the time of appearance:

In all civil actions 12.00

For every additional defendant, appearing separately 6.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention 6.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court 6.00

(g) For filing a notice of appeal, and appeal bonds 12.00

One charge only may be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court 12.00

(i) For preparation and transmittal of transcript and papers on appeal 12.00

(j) For celebrating a marriage and returning the certificate to the county recorder ~~{35.00}~~ \$50.00

(k) For entering judgment by confession 6.00

(l) For preparing any copy of any record, proceeding or paper, for each page .30

(m) For each certificate of the clerk, under the seal of the court 3.00

(n) For searching records or files in his office, for each year 1.00

(o) For filing and acting upon each bail or property bond 40.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by him to the county in which his township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (j) of subsection 1 if he performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except for the fees he may retain as compensation and the fees he is required to pay to the state treasurer pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the state treasurer ~~half~~ :

(a) *An amount equal to \$5 of each fee collected pursuant to paragraph (j) of subsection 1 during the preceding month. The state treasurer shall deposit the money in the account for aid for victims of domestic violence in the state general fund.*

(b) *Half of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The state treasurer shall deposit the money in the fund for the compensation of victims of crime.”.*

Amend sec. 11, page 9, between lines 41 and 42, by inserting:

“3. A county recorder who records a parcel map pursuant to this section shall, within 7 working days after he records the parcel map, provide to the county assessor at no charge:

(a) A duplicate copy of the parcel map and any supporting documents; or

(b) Access to the digital parcel map and any digital supporting documents.”.

Amend sec. 12, page 11, between lines 46 and 47, by inserting:

“12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents.”.

Amend the bill as a whole by adding a new section designated sec. 14.5, following sec. 14, to read as follows:

“Sec. 14.5. Chapter 423 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The account to assist persons formerly in foster care is hereby created in the state general fund.*

2. *The account must be administered by the administrator.*

3. *The money in the account must be used to assist persons who attained the age of 18 years while children in foster care in this state to make the transition from foster care to economic self-sufficiency, and may, consistent with that purpose, be:*

(a) *Disbursed on behalf of such persons, on the basis of need, to obtain goods and services, including, without limitation:*

(1) *Job training;*

(2) *Housing assistance; and*

(3) *Medical insurance;*

(b) *Granted to nonprofit community organizations; or*

(c) *Expended to provide matching money required as a condition of any federal grant.*

4. *A request for the disbursement of money from the account pursuant to paragraph (a) of subsection 3 must be made to the division in writing. The request must include information to demonstrate that all other resources for money to pay for the goods and services have been exhausted.*

5. *The division shall adopt such regulations as necessary for the administration of this section.*

6. *Money in the account at the end of any fiscal year remains in the account and does not revert to the state general fund.”.*

Amend sec. 15, page 13, between lines 11 and 12, by inserting:

“3. A county recorder who records a record of survey pursuant to this section shall, within 7 working days after he records the record of survey, provide to the county assessor at no charge:

(a) A duplicate copy of the record of survey and any supporting documents; or

(b) Access to the digital record of survey and any digital supporting documents.”.

Amend the title of the bill to read as follows:

“AN ACT relating to local governments; authorizing a county recorder to charge and collect an additional fee to pay for the acquisition and improvement of technology used in the office of the county recorder; requiring the county recorder to charge and collect an additional fee to assist persons formerly in foster care; increasing the amount of certain fees charged and collected by certain officials of local governments; creating an account in the state general fund to assist persons formerly in foster care; and providing other matters properly relating thereto.”.

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 94.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 489, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Berman and Mortenson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 489.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 202, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Humke and Mortenson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 202.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Chowning moved that the Assembly do not recede from its action on Senate Bill No. 524, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Chowning.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Collins, Lee and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 524.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 618.

The following Senate amendment was read:

Amendment No. 1153.

Amend the bill as a whole by deleting sec. 79 and inserting:

“Sec. 79. (Deleted by amendment.)”.

Amend sec. 96, page 36, by deleting lines 19 through 22 and inserting:

“Sec. 96. 1. *A producer of insurance shall not act as an agent unless he is appointed as an agent by the insurer. A producer who is not acting as an agent is a broker who does not need to be appointed.*”.

Amend sec. 96, page 36, by deleting lines 37 through 42 and inserting:

“5. *A broker shall not place insurance, other than life insurance, health insurance, annuity contracts or coverage written pursuant to the Surplus Lines Law set forth in chapter 685A of NRS, that covers property or risks within this state unless the broker does so with a licensed agent of an authorized insurer.*

6. *A producer who is acting as an agent may also act as and be a broker with regard to insurers for which he is not acting as an agent. The sole relationship between an insurer and a broker who is appointed as an agent by the insurer as to any transactions arising during the period in which he is appointed as an agent is that of insurer and agent, and not insurer and broker.*

7. *As used in this section:*

(a) *“Agent” means a producer of insurance who is*”.

Amend sec. 96, page 36, between lines 44 and 45, by inserting:

“(b) “Broker” means a producer of insurance who:

(1) Is not an agent of an insurer;

(2) Solicits, negotiates or procures insurance on behalf of an insured or prospective insured; and

(3) Does not have the power, by his own actions as a broker, to obligate an insurer upon any risk or with reference to any transaction of insurance.”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 618.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 399, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Smith, Manendo and Chowning as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 399.

GENERAL FILE AND THIRD READING

Senate Bill No. 437.

Bill read third time.

Roll call on Senate Bill No. 437:

YEAS—42.

NAYS—None.

Senate Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 438.

Bill read third time.

Roll call on Senate Bill No. 438:

YEAS—42.

NAYS—None.

Senate Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 439.

Bill read third time.

Roll call on Senate Bill No. 439:

YEAS—42.

NAYS—None.

Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 440.

Bill read third time.

Roll call on Senate Bill No. 440:

YEAS—42.

NAYS—None.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Roll call on Senate Bill No. 441:

YEAS—42.

NAYS—None.

Senate Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Roll call on Senate Bill No. 448:

YEAS—42.

NAYS—None.

Senate Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 450.

Bill read third time.

Roll call on Senate Bill No. 450:

YEAS—42.

NAYS—None.

Senate Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 455.

Bill read third time.

Roll call on Senate Bill No. 455:

YEAS—42.

NAYS—None.

Senate Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Roll call on Senate Bill No. 456:

YEAS—42.

NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Roll call on Senate Bill No. 457:

YEAS—42.

NAYS—None.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—42.

NAYS—None.

Senate Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 478.

Bill read third time.

Roll call on Senate Bill No. 478:

YEAS—42.

NAYS—None.

Senate Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 515 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 515.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1182.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

“Section 1. 1. There is hereby appropriated from the state general fund to the Department of Human Resources the sum of \$1,000,000 for assistance in the operation of HIV/AIDS clinics in Reno and Las Vegas.

2. The Department shall initially divide the amount appropriated by subsection 1 in equal portions and allocate:

(a) One-half for expenditure in the southern region of this state by the Wellness Center, Enterprise Health Care Center and any other health care facility established by the University Medical Center; and

(b) One-half for expenditure in the northern region of this state by the Northern Nevada HIV Outpatient Program, Education and Services Clinic. Any unused or uncommitted balance from one region may be transferred by the Department for use in the other region.

3. The money appropriated by subsection 1 must be used for capital projects, including, without limitation, facilities, equipment, fixtures and furnishings related to health care treatment.”.

Amend the title of the bill, second line, by deleting: “HIV/AIDS clinics in Reno and Las Vegas;” and inserting: “certain HIV/AIDS clinics and health care facilities.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 52.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Resolution adopted unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 174.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1180.

Amend section 1, page 1, by deleting lines 3 through 14 and inserting:

"1. A juvenile court may establish a program of visitation to the office of the county coroner in cooperation with the coroner of the county pursuant to this section."

Amend section 1, page 1, line 15, by deleting "3." and inserting "2."

Amend section 1, page 2, line 7, by deleting "4." and inserting "3."

Amend section 1, page 2, by deleting lines 15 through 17 and inserting:

"4. The juvenile court may order the child, or the parent or guardian of the child, to pay a fee of not more than \$45 based on the ability of the child or his parent or guardian to pay for the costs associated with the participation of the child in the program of visitation."

5. If a juvenile court establishes a program of visitation pursuant to this section, the juvenile court shall, on or before January 15 of each odd-numbered year, submit to the director of the legislative counsel bureau for transmittal to the legislature a report regarding the effect of the program on the incidence of juvenile crime and the rate of recidivism."

Amend sec. 2, page 4, line 39, after "act." by inserting: *"In determining whether to order a child to participate in such a program, the court shall consider whether the act committed by the child involved the use or threatened use of force or violence against himself or others or demonstrated a disregard for the safety or well-being of himself or others."*

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend sec. 4, page 5, by deleting lines 34 through 39 and inserting:

"Sec. 3. 1. This section and section 1 of this act become effective on July 1, 2001, for the purposes of establishing programs of visitation, and on October 1, 2001, for all other purposes, and expire by limitation on October 1, 2005."

2. Section 2 of this act becomes effective on October 1, 2001, and expires by limitation on October 1, 2005."

Amend the title of the bill to read as follows:

"AN ACT relating to juvenile courts; authorizing a juvenile court to establish a program of visitation to the office of the county coroner; authorizing a juvenile court to order a child who is adjudicated delinquent to participate in such a program of visitation; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes juvenile court to establish program of visitation to office of county coroner and to order child adjudicated delinquent to participate in such program. (BDR 5-103)"

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:25 p.m.

ASSEMBLY IN SESSION

At 5:27 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 115, 503, 506, 514, 516, 523, 525, 526, 554, 630; Assembly Joint Resolutions Nos. 3, 5; Assembly Joint Resolution No. 4 of the 70th Session; Senate Bill No. 582.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 511, Amendment No. 1167, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 550, Senate Amendment No. 844, and requests a conference, and appointed Senators Amodei, Wiener and Washington as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 433, 572.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 893 to Senate Bill No. 286.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 87.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 53.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Buckley and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 550.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 53.

Assemblyman Bache moved the adoption of the resolution.

Remarks by Assemblyman Bache.

Resolution adopted unanimously.

Assemblyman Bache moved that all rules be suspended and that Senate Concurrent Resolution No. 53 be immediately transmitted to the Senate.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 433.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 572.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 582.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 60, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA3, which is attached to and hereby made a part of this report.

JON C. PORTER

DINA TITUS

WILLIAM R. O'DONNELL

Senate Conference Committee

DOUGLAS A. BACHE

DAVID BROWN

BONNIE L. PARNELL

Assembly Conference Committee

Conference Amendment No. CA3.

Amend section 1, page 2, by deleting lines 14 through 16 and inserting:

"4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter."

Amend sec. 2, page 2, line 35, by deleting: "July 1, 2001." and inserting: "January 1, 2003."

Amend the title of the bill, third line, after “website;” by inserting: “providing an exception;”.

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 60.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 195, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

MARK AMODEI
RANDOLPH J. TOWNSEND
MICHAEL SCHNEIDER
Senate Conference Committee

SHEILA LESLIE
DEBBIE SMITH
SANDRA J. TIFFANY
Assembly Conference Committee

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 195.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Koivisto, Parnell and Berman as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 195.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 87, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA1, which is attached to and hereby made a part of this report.

VALERIE WIENER
JON C. PORTER
MAURICE WASHINGTON
Senate Conference Committee

BARBARA E. BUCKLEY
JOHN C. CARPENTER
JOHN OCEGUERA
Assembly Conference Committee

Conference Amendment No. CA1.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery that constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the state treasurer on or before the

fifth day of each month for the preceding month for credit to the account for programs related to domestic violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the health division of the department of human resources.

6. *If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides protective services. If the court refers a child to an agency which provides protective services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.*

7. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~{7.}~~ 8. As used in this section:

(a) *"Agency which provides protective services" has the meaning ascribed to it in NRS 432B.030.*

(b) *"Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481 . ~~and~~*

~~(b)}~~ (c) *"Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct."*

Amend the bill as a whole by adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Upon receiving a referral from a court pursuant to subsection 6 of NRS 200.485, an agency which provides protective services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.*

2. *If an agency which provides protective services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:*

(a) *Conduct the evaluation or counseling; or*

(b) *Refer the child to a person that has entered into an agreement with the agency to provide those services.*

Sec. 4. The amendatory provisions of sections 1 and 3 of this act do not apply to offenses committed before October 1, 2001.”.

Amend the title of the bill, first line, after “violence;” by inserting: “providing that the court may refer a child to an agency which provides protective services if the child may need counseling as a result of the commission of a battery which constitutes domestic violence; providing that an agency which provides protective services may conduct an assessment of the child to determine whether a psychological evaluation or counseling is needed by the child;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Enacts provisions pertaining to child affected by battery which constitutes domestic violence. (BDR 15-854)”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 87.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:39 p.m.

ASSEMBLY IN SESSION

At 5:52 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 187, 189, 285, 454, 507, 517, 524, 527, 529, 531, 532, 533, 598, 627; Assembly Concurrent Resolution No. 37; Senate Bills Nos. 63, 150, 247, 265, 395, 401, 466, 487, 553, 568; Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Rachael Yuill.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Shelba Gamble, Sean Gamble and Bryn Gamble.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Chiquita Simms.

Assemblywoman Buckley moved that the Assembly adjourn until Saturday, June 2, 2001 at 10:30 a.m.

Motion carried.

Assembly adjourned at 5:53 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 2, 2001

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Monte Fast.

Our Father, grant to us the gifts of patience, energy, respect and integrity.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Manendo moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 668, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 305, Senate Amendment No. 912, and requests a conference, and appointed Senators McGinness, Porter and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 370, Senate Amendment No. 1081, and requests a conference, and appointed Senators Porter, Amodei and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 394, Senate Amendment No. 907, and requests a conference, and appointed Senators Washington, Porter and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 399, Senate Amendment No. 757, and requests a conference, and appointed Senators Porter, McGinness and Titus as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 466, Senate Amendment No. 910, and requests a conference, and appointed Senators Porter, Amodei and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 742 to Senate Bill No. 33.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 916 to Senate Bill No. 356.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 741 to Senate Bill No. 49.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, Porter and Care as a first Conference Committee concerning Senate Bill No. 25.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Titus and Porter as a first Conference Committee concerning Senate Bill No. 62.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, McGinness and Care as a first Conference Committee concerning Senate Bill No. 83.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, McGinness and Wiener as a first Conference Committee concerning Senate Bill No. 171.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Jacobsen and Shaffer as a first Conference Committee concerning Senate Bill No. 303.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, Coffin and McGinness as a first Conference Committee concerning Senate Bill No. 357.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Washington and Wiener as a first Conference Committee concerning Senate Bill No. 377.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, McGinness and Titus as a first Conference Committee concerning Senate Bill No. 551.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Perkins, Buckley, Dini, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews,

McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 41—Commending the staff of the Legislative Counsel Bureau.

WHEREAS, As early as 1945, when the Legislative Counsel Bureau was created, the Nevada Legislature recognized the need for additional information, advice and assistance in securing sufficient details to act advisedly on legislative matters and accommodate increasingly complex legislative tasks that were impossible to complete without support; and

WHEREAS, The functions assigned to the Legislative Counsel Bureau, which was composed of only three members in 1945, were restricted mainly to the appointment of a Legislative Counsel whose principal duties were to assist the Legislature by conducting a survey relating to the needs and functions of the existing entities of the state government and by providing advice for proposed legislation concerning those matters; and

WHEREAS, Since those early days, the Legislative Counsel Bureau has evolved into an organization of more than 200 professional employees, and during legislative sessions, almost 300 public servants, who provide a full range of services for the “people’s branch” of government; and

WHEREAS, The goal of the Legislative Counsel Bureau in the modern era is to continue to meet the ever-increasing challenges of providing nonpartisan, centralized services to members of both houses of the Legislature and their constituents in the most efficient, professional manner possible; and

WHEREAS, The 2001 legislative session, like the historic session of 1999, was limited to 120 calendar days, placing extra time constraints upon the staff; and

WHEREAS, The ability to meet this time limitation is dependent upon the coordination of staff assignments and, ultimately, the participation of each staff member to accomplish in 120 days what had been completed in the longer sessions of the past; and

WHEREAS, The staff of each division and unit of the Legislative Counsel Bureau contributed to the success of the 2001 session and met the various challenges with unparalleled skill, resourcefulness, diligence and, when necessary, humor; and

WHEREAS, In the Administrative Division of the Legislative Counsel Bureau, the staff of the Information Systems Unit and the Media Services Unit continued to improve technology for the legislative process, the staff of the Buildings Unit, the Grounds Unit and the Janitorial Unit prepared and meticulously maintained the building and its grounds as a showplace in Carson City, and the staff of the Accounting Unit, the General Services Unit, the Legislative Police, the Las Vegas office and the Director’s office, and the session staff in the message center, the public bill room, the bill mail room, lobbyist registration and the lobbyist center kept the Legislature functioning smoothly; and

WHEREAS, The staff of the Audit Division continued to provide the Legislature with independent and reliable information about the operations of state agencies, programs, activities and functions by presenting audit reports and by testifying on legislation to promote accountability in state government, and continued to produce their high-quality audits while reviewing all legislation within the time limitations in a quick and efficient manner; and

WHEREAS, The staff of the Fiscal Analysis Division reviewed the ever-increasing budget, bills relating to the budget and budget amendments within the condensed period, maintaining their usual accuracy and efficiency, reviewed fiscal notes in half the time available in sessions before 1999, provided staff support for the Committees on Taxation and responded to Legislators’ requests for information concerning budgets and taxation promptly and efficiently; and

WHEREAS, The staff of the Legal Division exceeded their high standards by meeting all deadlines for the drafting of bills and amendments, preparing an increasing quantity of work without sacrificing quality or their meticulous attention to detail, while providing legal advice on the usual wide range of issues to the Legislature and its staff, fully aware that their dedication and long hours were essential to the success of the 120-day session; and

WHEREAS, The staff of the Research Division, assisted by its Research Library, provided research and analysis of current and proposed public programs and policies, furnished thorough

and prompt background information for use in committees and on the floor of each legislative house, aided committee chairmen by providing administrative and technical assistance in the hearing and processing of bills to meet the rigorous scheduling demands established as a result of the condensed session, and responded to an increased number of Legislator and constituent requests in a timely, efficient and thorough manner despite strict time constraints; and

WHEREAS, Although the demands on legislative staff were even greater this session because of the reapportionment and redistricting of both legislative houses, the congressional districts and the districts of the State Board of Education and the Board of Regents of the University of Nevada, the duties pertaining thereto were provided in an efficient, impartial, professional and coordinated manner by several different divisions and units of the Legislative Counsel Bureau; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 71st session of the Nevada Legislature do hereby express their sincere appreciation to the outstanding staff of the Legislative Counsel Bureau and commend the dedication, cooperation and exceptional work of each person on the staff; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lorne Malkiewich, Director of the Legislative Counsel Bureau.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Hettrick, Nolan, Giunchigliani, Anderson, Cegavske, Smith, Ohrenschall and Price.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. As we begin winding down this legislative session, it seems only appropriate to thank the people who helped us get to the spot where we are today. It's very difficult to believe, Mr. Speaker, and to you and through you to the members of this body, but we are not the easiest people in this world to work for. We have the best staff imaginable, from Legal, who take our thoughts and try to transform them into laws. To Research, that provides us the opportunity to learn what other states have done. To Fiscal, that helps us put together a budget and implements so many of the programs that we find important. To our Audit Division, which provides us the information so that we know we're being the most effective we can be as a state. To Information and Media Services, so many of the folks that provide the support we need to do what we do.

A special thanks to all the Information Services folks, who have equipped us with computers which allow us to e-mail even more questions to Fiscal, Legal and Research as we try to get information on a quick basis to try and make the best laws that we can. Our Legislative Police, folks we sometimes don't see, but who are looking after our security. They are always here for us. Our permanent clerk staff. There are so many. All of the support staff that make us able to do the work we do.

As we reach the end and we're working 20-hour days and our staff is working 20-hour days, we thought it only appropriate to take this opportunity to thank each and every staff person for the hard work that they do. We have never, I think, seen such a fine collection of staff. They make our work possible. So, with this resolution, we want to express in a small way our thanks for all of the hard work.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I rise in support of ACR 41. I look at this resolution and the first words that struck me was that it says, "two hundred professional employees." I have to tell you I don't think that word could be better said in regard to a group of employees. They epitomize professionalism. They do their job well. They are well trained. They are just so capable and competent in every possible way. Those of the folks that are in the professional staff, I just, again, can't tell you how much you do for us and how much we appreciate it and how professional you really are. The next line down says, "almost three hundred public servants."

Again, I think these people have to epitomize what public service is. Most of the public in the State of the Nevada have no idea these people are working anywhere in this building or anywhere for this Legislature. They are totally behind the scenes. They are unsung heroes of getting the work done, day in and day out. No one knows they do it. So, it's only fitting that we get up and thank them for all their efforts that make our job easier and hopefully better. We simply can't thank them all enough. We do want to say thanks to them and we appreciate all their efforts on our behalf in this session.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. I, too, had to rise in support of ACR 41. In my fourth session, it never ceases to amaze me the caliber and the quality of the people that LCB continues to hire and find for us. The personality and friendliness and the funloving attitude of these people is truly amazing. I just want to say that these folks are just as responsible for the job that we do in our legislative duties as any elected official is. I personally wanted to offer my support and thanks.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support ACR 41. I simply wanted to echo what my colleagues have said very eloquently. If you look around the room, we only have the fortune of having four or five of our "workhorses," so to speak. That is a kind term in this case. They are all behind the scenes as the minority leader said. That doesn't mean that they don't run this place. We may think we do, but it really is them. They make us look good. We would not be successful if it wasn't for them. I also have to echo and acknowledge that this is one of the best non-partisan groups that we had the fortune to work with. I think that's the key to what makes it work. No matter what, no ideas dismissed, no one is looked at as a party person. "If that's a policy decision, I will help you make it work." So to those of you listening on your TV's or intercoms, thank you very much and we appreciate all that you do. Hopefully, the check will be in the mail as of June 4th.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I, also, rise in support of ACR 41. The quality of the work, obviously, we're all very familiar with. What never ceases to amaze me is, when I walk into Legal or Research, just having seen one of my colleagues leave just a few minutes ahead of me, when I approach them with my particular problem, they look on it as if it is the only problem that they have to deal with. That it is the most important problem that they have. They treat each of us as if we are the "king for the day" and that our constituents and our committees are the only thing that exists in their world. It is that kind of dedication, that singular focus that they give to us when we come into that room to sit down with them, that I think makes us all feel so comfortable. We know that our problem is going to be the focus of their attention. Yet, when we walk back out that door, we walk by another colleague who is going to be treated in exactly the same way. We know that. We know that both of our problems are going to have that same solution, the solution that is best for all of us. Our staff is the best. Again, although I've heard it from my colleague, in talking about how they can recruit new people, I would point out I have a new staff member in Judiciary, relative to Research. The quality of his work is exemplary. I couldn't say enough good things about him—in terms of the high traditions and standards that have been set by other researchers. I wanted to rise in support of this piece of work, ACR 41, in recognition of the hard work those people are doing.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I rise in support of ACR 41 and I echo my colleagues' comments. I wanted to add that, in my travels, from being a legislator for three sessions, and going to the different conferences, when, the other legislators and staff people ask me what state I am from, I proudly say Nevada. They say, "I know so and so." Or they say, "I worked with so and so over there. They were so kind. What a wonderful group of people you work with." NCSL is an example. We hosted that conference in Las Vegas, in July, several years ago. The staff just did an excellent job. All the states, all the other elected officials, are still talking about how wonderful it was and what you had done. I don't think any of us really knew until it was over

how hard you worked and all the things that you did. Again, echoing my colleagues, thank you all very much.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. I, too, rise in support of ACR 41. I had not intended to speak on this resolution but wanted to lend my perspective as a freshman legislator. I have been constantly amazed at the staff here and how we are treated—the good work they do for us. I echo my colleague from Sparks' comment about when you are working with a staff member they truly do make you feel like you are so valued, regardless of the fact you are a freshman. They still give you respect and do such tremendous work. I couldn't believe it when I first arrived I asked for a piece of information from a newspaper article that was several months old. By that afternoon I had an entire piece of research on my desk. It has helped me so much in the work I have done here. When I talk to people out in the public and they ask about my experience as a freshman, the first thing I always relate is how amazing it is, the work that goes on here and how competent and amazing the staff is here. Thank you, Mr. Speaker.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of ACR 41. I simply want to take this opportunity to thank each and every member of the Legislative Counsel Bureau for their great work and, in particular, for the great support they have given to me this session, particularly as I came in every day in a wheelchair with a broken leg, until I recovered.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It's certainly with pleasure and special feeling that I rise in support of ACR 41. Over the years that I have been here operating as a legislator, I feel, as I think most of us do, that what we really have is an extended family working for us. They are so wonderful. Over the years, I have had an interest in other legislatures and I have been to a lot of different ones on trips. I looked at how they were served and their operations. We are just so fortunate here. In my humble opinion, it's the best of the best. I don't think we can say enough about how wonderful they are and everything that they do for us. I would respectfully ask that the majority leader's remarks about how hard we are to work for be stricken from the record.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. See what I mean?

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 41 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, Giunchigliani, Perkins and Buckley (emergency request of Perkins):

Assembly Bill No. 670—AN ACT relating to Oriental medicine; revising the provisions relating to the issuance of a license to practice as a doctor of Oriental medicine; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 555, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend the amendment of the Senate be concurred in.

RAYMOND D. RAWSON
WILLIAM R. O'DONNELL
BERNICE MATHEWS

Senate Conference Committee

BONNIE L. PARNELL
DAWN GIBBONS
DEBBIE SMITH

Assembly Conference Committee

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 555.

Remarks by Assemblywoman Parnell.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was re-referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 577, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Senate Bills Nos. 367, 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 428, 444, 464, 477, 494, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 12:46 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Nolan and McClain as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 305.

Mr. Speaker appointed Assemblymen Buckley, Gustavson and Oceguela as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 394.

Mr. Speaker appointed Assemblymen Ohrenschall, Gustavson and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 399.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 49, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Carpenter and Koivisto as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 49.

SECOND READING AND AMENDMENT

Assembly Bill No. 668.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 1196.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The legislature hereby finds and declares that:*

(a) *Section 1 of article 10 of the Nevada constitution, which governs property taxes, requires the legislature to provide by law for a uniform and equal rate of assessment and taxation and to prescribe such regulations as will ensure a just valuation for the taxation of all property within this state;*

(b) *The reliability of our system of assessing property to establish a just valuation for taxation by providing for the determination of the value of all property in the same manner, regardless of its location, on the basis of the selling price of comparable property in the area has been called into question because of anomalies in certain market factors that have resulted in unprecedented increases in the selling price of property in one particular area of the state where the average annual increase in gross assessed valuation for the past 10 years before these spikes began was 5.6 percent per year;*

(c) *This anomaly in market factors appears to be related to extreme limitations placed on the development rights of some of the property in this area by a regional planning agency created to establish environmental threshold carrying capacities for a region that exhibits unique environmental and ecological values which are irreplaceable;*

(d) *An exception to our system of assessing property must be made to ensure that the property located in this particular area, and other areas in which a similar anomaly may develop in the next tax year if additional regional planning agencies that severely restrict development are created by state or local governments, continue to be taxed in a manner that is fair and equitable compared with all other property in the state;*

(e) *The provisions of this section are necessary to ensure that extreme spikes in the selling price of property resulting, in part, from the strict regulation of the development in certain areas of the state do not compromise the constitutionality of our system of assessing property; and*

(f) *Temporarily limiting the percentage of increase of the taxable value of the property in areas where extreme spikes in the selling price of property have occurred is the most fair and equitable manner of ensuring statewide uniformity and equality in the rate of assessment and taxation of the property of this state until this legislature is able to reevaluate the formulas for the assessment and taxation of the property in this state and develop an appropriate adjustment for areas in which these anomalies occur.*

2. *Except as otherwise provided in subsection 3, in listing and assessing the taxable value of property to the owner pursuant to NRS 361.260, for the*

purposes of applying a tax rate, a county assessor shall not increase by more than 6 percent per year the taxable value of property located within a region that is covered by a regional plan adopted by the governing body of a regional planning agency created to establish environmental threshold carrying capacities for a region that exhibits unique environmental and ecological values.

3. *The provisions of subsection 2 do not apply to an increase in taxable value that is directly attributable to the addition or major renovation of an improvement on the property.*

4. *If a parcel is split for placement on the tax roll in one or more separate pieces, the taxable value of the parcel before the split must be equitably apportioned among the pieces and the apportioned taxable value of each piece of the property assessed to the owner pursuant to NRS 361.260 must not be increased by more than 6 percent per year. If one or more parcels are combined for placement on the tax roll, the taxable value of each of the parcels must be added together to determine the taxable value of the combined parcel assessed to the owner pursuant to NRS 361.260 and that taxable value must not be increased by more than 6 percent per year.*

Sec. 2. NRS 361.260 is hereby amended to read as follows:

361.260 1. Each year, the county assessor, except as otherwise required by a particular statute, shall ascertain by diligent inquiry and examination all real and secured personal property that is in his county on July 1 which is subject to taxation, and also the names of all persons, corporations, associations, companies or firms owning the property. He shall then determine the taxable value of all such property and , *except as otherwise provided in section 1 of this act*, he shall then list and assess it to the person, firm, corporation, association or company owning it on July 1 of that fiscal year. He shall take the same action at any time between May 1 and the following April 30, with respect to personal property which is to be placed on the unsecured tax roll.

2. At any time before the lien date for the following fiscal year, the county assessor may include additional personal property and mobile and manufactured homes on the secured tax roll if the owner of the personal property or mobile or manufactured home owns real property within the same taxing district which has an assessed value that is equal to or greater than the taxes for 3 years on both the real property and the personal property or mobile or manufactured home, plus penalties. Personal property and mobile and manufactured homes in the county on July 1, but not on the secured tax roll for the current year, must be placed on the unsecured tax roll for the current year.

3. An improvement on real property in existence on July 1 whose existence was not ascertained in time to be placed on the secured roll for that tax year and which is not governed by subsection 4 must be placed on the unsecured tax roll.

4. ~~[The]~~ *Except as otherwise provided in section 1 of this act, the value of any property apportioned among counties pursuant to NRS 361.320, 361.321 and 361.323 must be added to the central assessment roll at the assessed value established by the Nevada tax commission or as established pursuant to an appeal to the state board of equalization.*

5. In addition to the inquiry and examination required in subsection 1, for any property not reappraised in the current assessment year, the county assessor shall determine its assessed value for that year by applying a factor for improvements, if any, and a factor for land to the assessed value for the preceding year. The factor for improvements must reasonably represent the change, if any, in the taxable value of typical improvements in the area since the preceding year, and must take into account all applicable depreciation and obsolescence. The factor for improvements must be adopted by the Nevada tax commission. The factor for land must be developed by the county assessor and approved by the commission. The factor for land must be so chosen that the median ratio of the assessed value of the land to the taxable value of the land in each area subject to the factor is not less than 30 percent nor more than 35 percent.

6. The county assessor shall reappraise all real property at least once every 5 years.

7. The county assessor shall establish standards for appraising and reappraising land pursuant to this section. In establishing the standards, the county assessor shall consider comparable sales of land before July 1 of the year before the lien date.

8. Each county assessor shall submit a written request to the board of county commissioners and the governing body of each of the local governments located in the county which maintain a unit of government that issues building permits for a copy of each building permit that is issued. Upon receipt of such a request, the governing body shall direct the unit which issues the permits to provide a copy of each permit to the county assessor within a reasonable time after issuance.

Sec. 3. This act first applies to the preparation of the assessment roll which must be completed on or before January 1, 2002, and must not be construed to affect the tax bills for any year before the fiscal year that begins on July 1, 2002.

Sec. 4. 1. This section and sections 1 and 3 of this act become effective on July 1, 2001.

2. Section 2 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3. This act expires by limitation on June 30, 2003.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; temporarily limiting the annual increase in the taxable value of property in certain areas for the assessment of property taxes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Temporarily limits annual increase in taxable value of property in certain areas for assessment of property taxes. (BDR 32-1551)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1205.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 408.569 is hereby amended to read as follows:

408.569 The department ~~may~~ *shall* establish along ~~the most~~ *one or more* frequently traveled highways of this state a system of ~~telephones~~ *communication* for members of the *general* public to report fires, accidents or other emergencies ~~or~~ *and* to receive information concerning the conditions for driving on certain highways.

Sec. 2. 1. There is hereby appropriated from the state highway fund to the department of transportation the sum of \$500,000 for the establishment and maintenance of an emergency system of call boxes located on Interstate Highway No. 15 from the boundary of the State of California to Lake Mead Drive in Clark County, Nevada.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state highway fund as soon as all payments of money committed have been made.

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

Amend the title of the bill to read as follows:

“AN ACT relating to highways; requiring the department of transportation to establish along certain highways a system of communication for members of the general public to report emergencies and receive information concerning conditions for driving on those highways; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires department of transportation to establish along certain highways system of communication for members of general public to report emergencies and receive information concerning conditions for driving on those highways. (BDR 35-820)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1195.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. There is hereby appropriated from the state general fund to the administrative office of the courts the sum of \$300,000 for the establishment of programs of treatment for the abuse of alcohol or controlled substances pursuant to NRS 453.580 in the First, Third and Ninth Judicial Districts of the State of Nevada which include Carson City and Churchill, Douglas, Lyon and Storey counties.”.

Amend sec. 3, page 2, line 2, by deleting: “1 and 2” and inserting: “1, 2 and 3”.

Amend the title of the bill, first and second lines, by deleting: “the Second and Eighth Judicial District Courts for continuation” and inserting: “certain judicial districts for continuation or establishment”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to certain judicial districts for continuation or establishment of programs of treatment for abuse of alcohol or controlled substances. (BDR S-178)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Beers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 577.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1172.

Amend section 1, page 1, by deleting lines 4 through 13 and inserting: “*director or officer of a corporation is individually liable for a debt or liability of the corporation, unless:*

(a) *The stockholder, director or officer acts as the alter ego of the corporation; or*

(b) *The corporate fiction of a separate entity should be disregarded for any other reason.*

2. *A stockholder, director or officer acts as the alter ego of a corporation if:*

(a) *The corporation is influenced and governed by the stockholder.”.*

Amend section 1, page 2, line 1, by deleting “(2)” and inserting “(b)”.

Amend section 1, page 2, line 4, by deleting “(3)” and inserting “(c)”.

Amend section 1, page 2, by deleting lines 5 through 9 and inserting: “*sanction fraud or promote injustice.*”.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

“Sec. 1.5. NRS 78.0295 is hereby amended to read as follows:

78.0295 1. A corporation may correct a document filed by the secretary of state with respect to the corporation if the document contains an inaccurate record of a corporate action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the corporation shall:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by an officer of the corporation.

(b) Deliver the certificate to the secretary of state for filing.

(c) Pay a filing fee of ~~[\$75]~~ \$150 to the secretary of state.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.”.

Amend sec. 3, page 3, line 18, after “35.230,” by inserting “78.300.”.

Amend sec. 3, page 3, line 20, after “*liable*” by inserting: “*to the corporation or its stockholders*”.

Amend sec. 3, page 3, line 23, by deleting “*and*” and inserting “*or*”.

Amend sec. 4, page 3, line 27, by deleting “under” and inserting “pursuant to”.

Amend sec. 4, page 3, line 45, by deleting “amended” and inserting “annual”.

Amend sec. 4, pages 3 and 4, by deleting line 49 on page 3 and lines 1 through 3 on page 4, and inserting:

“4. Upon filing the ~~[annual]~~ list required by ~~[subsection]~~ :

(a) *Subsection 1, the corporation shall pay to the secretary of state a fee of \$165.*

(b) *Subsection 2, the corporation shall pay to the secretary of state a fee”.*

Amend sec. 4, page 4, by deleting lines 9 and 10 and inserting: “of the fee due pursuant to subsection ~~[3]~~ 4 and a reminder to file the annual list required by subsection 2. Failure of any”.

Amend sec. 4, page 4, line 14, by deleting: “~~[3 or 7]~~” and inserting: “~~[3, 6 or 7]~~”.

Amend sec. 4, page 4, line 19, after “and” by inserting: “must be accompanied by a fee of \$85 for filing. A payment submitted pursuant to this subsection”.

Amend sec. 7, page 4, line 47, by deleting “under” and inserting “pursuant to”.

Amend sec. 7, page 5, lines 4 and 5, by deleting: “its charter was revoked;” and inserting: “it failed to file each required annual list in a timely manner;”.

Amend sec. 7, page 5, line 9, after “fee” by inserting “or fees”.

Amend the bill as a whole by deleting sec. 8 and inserting:

“Sec. 8. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

“Sec. 8.5. NRS 78.390 is hereby amended to read as follows:

78.390 1. Every amendment adopted pursuant to the provisions of NRS 78.385 must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and declaring its advisability, and either call a special meeting of the stockholders entitled to vote on the amendment or direct that the proposed amendment be considered at the next annual meeting of the stockholders entitled to vote on the amendment.

(b) At the meeting, of which notice must be given to each stockholder entitled to vote pursuant to the provisions of this section, a vote of the stockholders entitled to vote in person or by proxy must be taken for and against the proposed amendment. If it appears upon the canvassing of the votes that stockholders holding shares in the corporation entitling them to exercise at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have voted in favor of the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the secretary of state.

2. If any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series

is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 becomes effective upon filing with the secretary of state or upon a later date specified in the certificate, which must not be later than 90 days after the certificate is filed.

7. If a certificate filed pursuant to subsection 1 specifies an effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the secretary of state that:

(a) Is filed before the effective date specified in the certificate filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized

to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of ~~[\$75.]~~ \$150.”.

Amend sec. 10, page 6, line 46, by deleting “or agreement”.

Amend sec. 10, page 7, line 7, by deleting “under” and inserting “pursuant to”.

Amend sec. 11, page 7, after line 46, by inserting:

“4. The fee for filing a certificate of termination pursuant to NRS 78.1955, 78.209 or 78.380 is ~~[\$75.]~~ \$150.”.

Amend sec. 14, page 8, line 33, by deleting “~~[\$15.]~~ \$30.” and inserting “~~[\$20.]~~ \$40.”.

Amend sec. 14, page 8, line 44, by deleting “~~[78.770.]~~ 92A.210” and inserting “92A.210.”.

Amend the bill as a whole by adding a new section designated sec. 19.5, following sec. 19, to read as follows:

“Sec. 19.5. NRS 86.226 is hereby amended to read as follows:

86.226 1. A signed certificate of amendment, or a certified copy of a judicial decree of amendment, must be filed with the secretary of state. A person who executes a certificate as an agent, officer or fiduciary of the limited-liability company need not exhibit evidence of his authority as a prerequisite to filing. Unless the secretary of state finds that a certificate does not conform to law, upon his receipt of all required filing fees he shall file the certificate.

2. A certificate of amendment or judicial decree of amendment is effective upon filing with the secretary of state or upon a later date specified in the certificate or judicial decree, which must not be more than 90 days after the certificate or judicial decree is filed.

3. If a certificate specifies an effective date and if the resolution of the members approving the proposed amendment provides that one or more managers or, if management is not vested in a manager, one or more members may abandon the proposed amendment, then those managers or members may terminate the effectiveness of the certificate by filing a certificate of termination with the secretary of state that:

(a) Is filed before the effective date specified in the certificate or judicial decree filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the members, the manager of the company or, if management is not vested in a manager, a designated member is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by a manager of the company or, if management is not vested in a manager, a designated member; and

(f) Is accompanied by a filing fee of ~~[\$75.]~~ \$150.”.

Amend sec. 23, page 12, line 27, by deleting “under” and inserting “pursuant to”.

Amend sec. 23, page 12, lines 33 and 34, by deleting: “its charter has been revoked;” and inserting: “it failed to file in a timely manner each required annual list;”.

Amend sec. 24, page 13, by deleting lines 5 and 6 and inserting:

“(b) Amending or restating the articles of organization, amending the registration of a foreign company or filing a certificate of correction, ~~[\$75.]~~ \$150;”.

Amend sec. 24, page 13, by deleting lines 15 and 16 and inserting:

“(h) Filing a certificate of cancellation, ~~[\$30.]~~ \$60;

(i) Executing, filing or certifying any other document, ~~[\$20.]~~ \$40; and

(j) Copies made at the office of the secretary of state, \$1 per page.”.

Amend sec. 32, page 16, line 36, by deleting “~~[\$15.]~~ \$30.” and inserting “~~[\$20.]~~ \$40.”.

Amend sec. 33, page 17, between lines 35 and 36, by inserting:

“6. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.”.

Amend sec. 34, page 17, line 37, by deleting “corporation” and inserting “limited partnership”.

Amend sec. 40, page 20, line 32, by deleting “~~[\$15.]~~ \$30.” and inserting “~~[\$20.]~~ \$40.”.

Amend sec. 42, page 21, by deleting lines 14 through 40 and inserting:

“89.250 1. Except as otherwise provided in subsection 2, a professional association shall, *on or before the first day of the second month after the filing of its articles of association with the secretary of state, and annually thereafter* on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the secretary of state showing the names and residence addresses of all members and employees in ~~[such]~~ the association and ~~[shall certify]~~ *certifying* that all members and employees are licensed to render professional service in this state.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, *on or before the first day of the second month after the filing of its articles of association with the secretary of state, and annually thereafter* on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the secretary of state:

(a) Showing the names and residence addresses of all members and employees of the association who are licensed or otherwise authorized by law to render professional service in this state;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this state; and

(c) Certifying that all members who are not licensed to render professional service in this state do not render professional service on behalf of the association except as authorized by law.

3. ~~[The statement must:~~

~~(a) Be made]~~ *Each statement filed pursuant to this section must be:*

(a) *Made on a form prescribed by the secretary of state and must not contain any fiscal or other information except that expressly called for by this section.*

(b) ~~[Be signed]~~ *Signed by the chief executive officer of the association.*

(c) *Accompanied by a declaration under penalty of perjury that the professional association has complied with the provisions of chapter 364A of NRS.*

4. Upon filing ~~[the annual]~~ :

(a) *The initial statement required by this section, the association shall pay to the secretary of state a fee of \$165.*

(b) *Each annual statement required by this section, the association shall pay to the secretary of state a fee of ~~[\$15.]~~ \$85.*

5. As used in this section, “signed” means to have executed or adopted a name, word or mark, including, without limitation, a digital signature as defined in NRS 720.060, with the present intention to authenticate a document.”.

Amend sec. 46, page 23, by deleting lines 20 through 39 and inserting:

“92A.210 1. Except as otherwise provided in this section, the fee for filing articles of merger, articles of conversion, articles of exchange, articles

of domestication or articles of termination is ~~[\$125.]~~ \$325. The fee for filing the constituent documents of a domestic resulting entity is the fee for filing the constituent documents determined by the chapter of NRS governing the particular domestic resulting entity.

2. The fee for filing articles of merger of two or more domestic corporations is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporation.

3. The fee for filing articles of merger of one or more domestic corporations with one or more foreign corporations is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporations which have paid the fees required by NRS 78.760 and 80.050.

4. The fee for filing articles of merger of two or more domestic or foreign corporations must not be less than ~~[\$125.]~~ \$325. The amount paid pursuant to subsection 3 must not exceed \$25,000.”.

Amend the bill as a whole by deleting sections 54 and 55, renumbering sections 56 through 59 as sections 60 through 63 and adding new sections designated sections 54 to 59, following sec. 53, to read as follows:

“Sec. 54. Section 29 of Senate Bill No. 51 of this session is hereby amended to read as follows:

Sec. 29. NRS 78.390 is hereby amended to read as follows:

78.390 1. Every amendment adopted pursuant to the provisions of NRS 78.385 must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and declaring its advisability, and either call a special meeting of the stockholders entitled to vote on the amendment or direct that the proposed amendment be considered at the next annual meeting of the stockholders entitled to vote on the amendment.

(b) At the meeting, of which notice must be given to each stockholder entitled to vote pursuant to the provisions of this section, a vote of the stockholders entitled to vote in person or by proxy must be taken for and against the proposed amendment. If it appears upon the canvassing of the votes that stockholders holding shares in the corporation entitling them to exercise at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have voted in favor of the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the secretary of state.

2. If any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 becomes effective upon filing with the secretary of state or upon a later date specified in the certificate, which must not be later than 90 days after the certificate is filed.

7. If a certificate filed pursuant to subsection 1 specifies an effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the secretary of state that:

(a) Is filed before the effective date specified in the certificate filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of ~~{ \$75. }~~ \$150.

Sec. 55. Section 55 of Senate Bill No. 51 of this session is hereby amended to read as follows:

Sec. 55. 1. A limited-liability company may correct a document filed by the secretary of state with respect to the limited-liability company if the document contains an inaccurate record of a company action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the limited-liability company must:

(a) Prepare a certificate of correction that:

- (1) States the name of the limited-liability company;
 - (2) Describes the document, including, without limitation, its filing date;
 - (3) Specifies the inaccuracy or defect;
 - (4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and
 - (5) Is signed by a manager of the company, or if management is not vested in a manager, by a member of the company.
- (b) Deliver the certificate to the secretary of state for filing.
 - (c) Pay a filing fee of ~~[\$75]~~ \$150 to the secretary of state.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 56. Section 90 of Senate Bill No. 51 of this session is hereby amended to read as follows:

Sec. 90. Chapter 87 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A limited-liability partnership may correct a document filed by the secretary of state with respect to the limited-liability partnership if the document contains an inaccurate record of a partnership action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the limited-liability partnership must:

(a) Prepare a certificate of correction that:

- (1) States the name of the limited-liability partnership;
- (2) Describes the document, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;
- (4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a managing partner of the limited-liability partnership.

(b) Deliver the certificate to the secretary of state for filing.

(c) Pay a filing fee of ~~[\$75]~~ \$150 to the secretary of state.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 57. Section 93 of Senate Bill No. 51 of this session is hereby amended to read as follows:

Sec. 93. 1. A limited partnership may correct a document filed by the secretary of state with respect to the limited partnership if the document contains an inaccurate record of a partnership action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the limited partnership must:

(a) Prepare a certificate of correction that:

- (1) States the name of the limited partnership;
 - (2) Describes the document, including, without limitation, its filing date;
 - (3) Specifies the inaccuracy or defect;
 - (4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and
 - (5) Is signed by a general partner of the limited partnership.
- (b) Deliver the certificate to the secretary of state for filing.
 - (c) Pay a filing fee of ~~[\$75]~~ \$150 to the secretary of state.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 58. Section 102 of Senate Bill No. 51 of this session is hereby amended to read as follows:

Sec. 102. 1. A business trust may correct a document filed by the secretary of state with respect to the business trust if the document contains an inaccurate record of a trust action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the business trust must:

- (a) Prepare a certificate of correction that:
 - (1) States the name of the business trust;
 - (2) Describes the document, including, without limitation, its filing date;
 - (3) Specifies the inaccuracy or defect;
 - (4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and
 - (5) Is signed by a trustee of the business trust.
- (b) Deliver the certificate to the secretary of state for filing.
- (c) Pay a filing fee of ~~[\$75]~~ \$150 to the secretary of state.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 59. Senate Bill No. 51 is hereby amended by adding thereto a new section designated sec. 138, following sec. 137, to read as follows:

Sec. 138. This act becomes effective on August 1, 2001.”.

Amend sec. 56, page 27, by deleting lines 29 and 30 and inserting:

“Sec. 60. Sections 1, 2, 3, 9 and 47 of this act do not apply to a claim that arises before the effective date of this section.”.

Amend sec. 57, page 27, line 31, by deleting “59” and inserting “63”.

Amend sec. 59, page 28, by deleting lines 5 through 14 and inserting:

“Sec. 63. 1. This section and sections 1, 2, 3, 9, 47, 59, 60, 61 and 62 of this act become effective upon passage and approval.

2. Sections 5, 6, 12, 13 to 19, inclusive, 20, 21, 22, 25 to 31, inclusive, 35 to 39, inclusive, 41 to 45, inclusive, and 47 to 53, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On August 1, 2001, for all other purposes.

3. Sections 1.5, 4, 7, 8.5, 10, 11, 14, 19.5, 23, 24, 32, 33, 34, 40, 46 and 54 to 58, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) At 12:01 a.m. on August 1, 2001, for all other purposes.”.

Amend the title of the bill by deleting the first line and inserting:

“AN ACT relating to business associations; revising the statutory liability of”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises statutory liability of corporate stockholders, directors and officers and increases fees for filing certain documents with secretary of state. (BDR 7-1547)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley and Lee.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1189.

Amend section 1, page 1, line 2, by deleting “43,” and inserting “20.”.

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 8 as sections 4 through 6.

Amend the bill as a whole by deleting sec. 9 and renumbering sec. 10 as sec. 7.

Amend the bill as a whole by deleting sections 11 through 28, renumbering sections 29 through 35 as sections 9 through 15 and adding a new section designated sec. 8, following sec. 10, to read as follows:

“Sec. 8. *In conducting any meetings, a rural agricultural residential common-interest community must comply with the provisions set forth in chapter 241 of NRS concerning open meetings which are generally applicable to public bodies.*”.

Amend sec. 29, page 8, by deleting lines 13 and 14 and inserting:

“Sec. 9. *An application for a certificate to act as a community manager must.*”.

Amend sec. 29, page 8, line 16, by deleting “30” and inserting “10”.

Amend sec. 30, page 8, by deleting lines 18 and 19 and inserting:

"Sec. 10. 1. An applicant for a certificate to act as a community manager must".

Amend sec. 30, page 8, line 26, by deleting "license or".

Amend sec. 30, page 8, line 28, by deleting "license or".

Amend sec. 31, page 8, by deleting lines 46 through 48 and inserting:
"permits issued to the holder of a certificate to act as a community manager, the division shall deem the certificate to be suspended at the end of".

Amend sec. 31, page 9, line 1, by deleting "license or".

Amend sec. 31, page 9, line 3, by deleting "license or".

Amend sec. 31, page 9, line 5, by deleting "a license or".

Amend sec. 31, page 9, line 8, by deleting "license or".

Amend sec. 35, page 9, line 37, by deleting "A" and inserting: *"An officer or a"*.

Amend sec. 35, page 9, line 47, after "to" by inserting: *"an officer or"*.

Amend the bill as a whole by deleting sections 36 and 37 and renumbering sections 38 through 41 as sections 16 through 19.

Amend sec. 38, page 11, by deleting lines 28 through 31 and inserting: *"a common-interest community that has at least 2,000 units, some or all of the authority of the members of a master association may be exercised by delegates, including, without limitation, the voting rights of the members of the master association, if the declaration so provides."*

Amend sec. 39, pages 11 and 12, by deleting lines 39 through 49 on page 11 and lines 1 through 9 on page 12 and inserting: *"constructing any common elements that will be added to the association's common elements, the declarant is responsible for:*

(a) Paying all expenses related to the common elements which are incurred before the conveyance of the common elements to the association; and

(b) Except as otherwise provided in NRS 116.31038, delivering to the association the declarant's share of the amount specified in the study of reserves completed pursuant to subsection 2.

2. Before conveying the common elements to the association, the declarant shall deliver to the association a study of the reserves for the additional common elements which satisfies the requirements of NRS 116.31152."

Amend sec. 40, page 12, line 10, by deleting "In" and inserting: *"Except as otherwise provided in subsection 2, in"*.

Amend sec. 40, page 12, by deleting lines 14 through 32 and inserting: *"commercial use only if:*

(a) The governing documents of the association and any master association do not prohibit such use; and

(b) Persons entitled to cast at least a majority of the votes in the association and any master association approve the transient commercial use of the unit.

2. *A declarant who owns or, directly or indirectly, has an interest in, one or more units within a planned community under the governing documents of the association that are restricted to residential use by the declaration, may not use that unit or one of those units for a transient commercial use.*

3. *The association and any master association may establish requirements for such use pursuant to subsection 1, including the payment of additional fees that are related to any increase in services or other costs associated with the transient commercial use of the unit.”.*

Amend sec. 40, page 12, line 33, by deleting “5.” and inserting “4.”.

Amend the bill as a whole by deleting sec. 42 and renumbering sections 43 through 63 as sections 20 through 40.

Amend sec. 44, page 13, line 31, by deleting “9,” and inserting “6,”.

Amend sec. 46, page 13, lines 37 and 38, by deleting “[~~real estate~~]” and inserting “real estate”.

Amend sec. 47, page 14, line 26, after “office” by inserting: “or the division”.

Amend sec. 47, page 14, by deleting lines 44 and 45 and inserting:

“(8) *Whether a study of the reserves of the association exists and, if so, the date on which it was completed.”.*

Amend sec. 48, page 15, line 6, by deleting: “the commission and”.

Amend sec. 49, page 16, by deleting lines 1 through 3 and inserting:

“(d) Prohibit a common-interest community created before ~~[January 1, 1992,]~~ *October 1, 1999*, from providing for a representative form of government.”.

Amend sec. 49, page 16, by deleting line 6 and inserting:

“5. For the purposes of this section, the administrator”.

Amend sec. 52, page 18, line 9, by deleting “38” and inserting “16”.

Amend sec. 55, page 20, line 22, by deleting “unit’s owner” and inserting “person”.

Amend sec. 55, page 20, line 38, by deleting “38” and inserting “16”.

Amend sec. 57, page 21, line 36, by deleting “the” and inserting “a”.

Amend sec. 58, page 22, by deleting lines 13 through 16 and inserting:

“(a) The ~~[person alleged to have violated the rule has received notice of the alleged violation that informs him of his opportunity to request a hearing on the alleged violation.]~~ *association has given written notice by regular mail to the unit’s owner that:”.*

Amend sec. 58, page 22, by deleting lines 24 and 25 and inserting:

“(c) At least 30 days before the alleged violation, the ~~[person alleged to have violated the rule]~~ *unit’s owner* was given written notice of the rule or any”.

Amend sec. 59, page 24, line 3, after “the board” by inserting: “and units’ owners”.

Amend sec. 63, page 26, line 41, by deleting “[~~real estate~~]” and inserting: “[~~real estate commission~~] *division*”.

Amend sec. 63, page 27, by deleting lines 10 through 12 and inserting "disciplinary hearings."

Amend sec. 63, page 27, by deleting line 38 and inserting: "*acts solely as an officer or member of the executive board.*"

Amend the bill as a whole by deleting sec. 64 and renumbering sections 65 through 69 as sections 41 through 45.

Amend sec. 65, page 30, line 8, by deleting "[~~administrator~~] *commission*" and inserting "administrator".

Amend sec. 66, page 30, line 13, by deleting "or 82.193," and inserting: "[~~or 82.193,~~] 82.193 or 86.263,".

Amend sec. 66, page 30, line 14, by deleting "[~~administrator~~] *commission*" and inserting "administrator".

Amend sec. 66, page 30, lines 17 and 18, by deleting "[~~administrator~~] *commission*" and inserting "administrator".

Amend section 66, page 30, by deleting lines 25 through 28 and inserting: "office of the ombudsman for owners in common-interest communities and not on a basis which includes any subsidy for the office. In no event may the fees required to be paid pursuant to this".

Amend sec. 68, page 31, by deleting lines 6 through 10 and inserting:

"(b) [~~The~~] *Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person*".

Amend sec. 68, page 31, line 18, by deleting "[~~(e)~~] (d)" and inserting "(c)".

Amend sec. 68, page 31, line 20, by deleting "[~~60~~] 90" and inserting "60".

Amend sec. 68, page 31, line 25, by deleting "[~~60~~] 90" and inserting "60".

Amend sec. 68, page 31, line 27, by deleting "or" and inserting "[~~or~~]".

Amend sec. 68, page 31, by deleting line 31 and inserting: "unit [~~]~~; or

(c) *The association has provided written certification to the ombudsman for owners in common-interest communities that notices have been given in accordance with subsection 1.*".

Amend the bill as a whole by renumbering sections 70 and 71 as sections 48 and 49 and adding new sections designated sections 46 and 47, following sec. 69, to read as follows:

"Sec. 46. NRS 116.4108 is hereby amended to read as follows:

116.4108 1. A person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 shall provide a purchaser with a copy of the current public offering statement not later than the date [~~of any contract of sale,~~] *on which an offer to purchase becomes binding on the purchaser.* Unless the purchaser has personally inspected the unit, the purchaser may cancel, by written notice, the contract of purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract for purchase must contain a provision to that effect.

2. If a purchaser elects to cancel a contract pursuant to subsection 1, he may do so by hand delivering notice thereof to the offeror or by mailing notice thereof by prepaid United States mail to the offeror or to his agent for

service of process. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly.

3. If a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 fails to provide a purchaser to whom a unit is conveyed with a current public offering statement, the purchaser is entitled to actual damages, rescission or other relief, but if the purchaser has accepted a conveyance of the unit, he is not entitled to rescission.

Sec. 47. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner shall furnish to a purchaser before ~~{execution of any contract for sale of a unit, or otherwise before conveyance:}~~ *an offer to purchase a unit becomes binding on the purchaser:*

(a) A copy of the declaration, other than any plats and plans, the bylaws, the rules or regulations of the association and, except for a time share governed by the provisions of chapter 119A of NRS, the information statement required by NRS 116.41095;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) The current operating budget of the association and a financial statement for the association; and

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

2. The association, within 10 days after a request by a unit's owner, shall furnish a certificate containing the information necessary to enable the unit's owner to comply with this section. A unit's owner providing a certificate pursuant to subsection 1 is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

3. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association. If the association fails to furnish the certificate within the 10 days allowed by subsection 2, the seller is not liable for the delinquent assessment.”.

Amend sec. 70, page 34, line 23, by deleting “116.4103.” and inserting “116.4103 ~~{et}~~ and 116.4109.”.

Amend sec. 70, page 34, by deleting lines 47 and 48 and inserting: “Estate Division, at (telephone number).”.

Amend sec. 71, page 35, by deleting lines 36 and 37 and inserting: “accordance with the provisions of sections 22, 23, 24, 26 to 29, inclusive, 31 and 32 of *Senate Bill No. 336 of this {act} session*. At any time during”.

Amend sec. 71, page 36, line 5, by deleting “NRS 38.135.” and inserting: “section 29 of *Senate Bill No. 336 of this {act} session*.”.

Amend sec. 71, page 36, line 10, by deleting “NRS 38.145.” and inserting: “section 30 of *Senate Bill No. 336 of this ~~act~~ session.*”.

Amend sec. 71, page 36, line 13, by deleting “NRS 38.145;” and inserting: “section 30 of *Senate Bill No. 336 of this ~~act~~ session.*”.

Amend the bill as a whole by renumbering sec. 72 as sec. 51 and adding a new section designated sec. 50, following sec. 71, to read as follows:

“Sec. 50. Section 14 of Assembly Bill No. 621 of this section is hereby amended to read as follows:

Sec. 14. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

The expiration or revocation of a certificate for the management of a common-interest community by operation of law or by order or decision of the real estate commission or a court of competent jurisdiction, or the voluntary surrender of such a certificate by the holder of the certificate does not:

1. Prohibit the division or real estate commission from initiating or continuing an investigation of, or action or disciplinary proceeding against, the holder of the certificate as authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto against the holder of the certificate.”.

Amend sec. 72, page 36, line 27, by deleting: “sections 28 and 63” and inserting “section 40”.

Amend sec. 72, page 36, line 28, by deleting: “community managing agent or a”.

Amend sec. 72, page 36, line 29, by deleting “licensed or”.

Amend the bill as a whole by deleting sec. 73 and renumbering sec. 74 as sec. 52.

Amend the bill as a whole by deleting sec. 75 and renumbering sec. 76 as sec. 53.

Amend sec. 76, pages 36 and 37, by deleting lines 47 and 48 on page 36 and lines 1 through 3 on page 37 and inserting:

“1. Section 49 of this act becomes effective at 12:01 a.m. on October 1, 2001.

2. Sections 9, 10 and 11 of this act expire by limitation on the date on”.

Amend the title of the bill to read as follows:

“AN ACT relating to common-interest communities; requiring community managers to be certified by the real estate division of the department of business and industry; revising the amount of a fine that may be imposed for a continuing violation of the governing documents of an association; requiring the removal of a member of the executive board of an association to be conducted by secret ballot; revising the circumstances under which an association may foreclose on its lien for unpaid assessments; changing the

time within which certain information must be provided to a prospective purchaser of a unit; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 513.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1193.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections, designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. There is hereby appropriated from the state general fund to the Department of Human Resources the sum of \$800,000 for the development of four long-term strategic plans relating to the health care needs of the residents of Nevada to be allocated as follows:

(a) For a plan to ensure the availability and accessibility of a continuum of services that appropriately meets the basic needs of Nevada’s senior citizens and supports their ability to lead independent and active lives \$100,000

(b) For a plan to ensure the availability and accessibility of a continuum of health care services in rural areas of Nevada \$150,000

(c) For a plan to:

(1) Ensure the availability and accessibility of a continuum of services that appropriately meet the basic needs of persons with disabilities in Nevada, including, without limitation, autistic persons;

(2) Support the ability of persons with disabilities in Nevada to lead independent and active lives within their community in accordance;

(3) Continue the effort of the State of Nevada to provide community-based services which match the need of the client and provide choice between appropriate services; and

(4) Ensure that persons with disabilities in Nevada receive the services that they are entitled to receive pursuant to state and federal statutes and case law \$150,000

(d) For a plan:

(1) To develop and implement a sound methodology for the establishment and periodic adjustment of rates paid by the State of Nevada for contracted health and human services which accurately reflect the required costs of providing those services; and

(2) Where applicable, to establish reimbursement rates at appropriate, consistent and competitive levels that will attract a sufficient number of providers so as to ensure the effective delivery of an appropriate range of service options for Nevada’s health and human services \$400,000

2. In developing each of the long-term strategic plans authorized pursuant to subsection 1, the Department shall:

(a) Contract with one or more persons who have knowledge about and experience in facilitating group discussions which include divergent points of view and perspectives to achieve consensus and mutual satisfaction in an effective planning process;

(b) Conduct public hearings in a broad range of settings and locations in this state to ensure that it receives information from all interested persons, including, without limitation, senior citizens, rural Nevadans, persons with disabilities, their representatives, governmental representatives and representatives of persons who provide institutional and community-based services to persons with disabilities; and

(c) Cause the development of each such long-term plan only after the testimony and information presented by the public has been fully considered throughout the process.

3. Any remaining balance of the appropriation made by subsection 1 of this act must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 2. This act becomes effective upon passage and approval.”.

Amend the title of the bill, second line, by deleting: “a long-term strategic plan” and inserting: “four long-term strategic plans”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 174.

Bill read third time.

Roll call on Assembly Bill No. 174:

YEAS—38.

NAYS—Buckley, Koivisto, Parnell, Smith—4.

Assembly Bill No. 174 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 515:

YEAS—42.

NAYS—None.

Assembly Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 570.

Bill read third time.

Roll call on Senate Bill No. 570:

YEAS—42.

NAYS—None.

Senate Bill No. 570 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 319.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Conflict of interest declared by Assemblywoman Von Tobel.

Roll call on Senate Bill No. 319:

YEAS—40.

NAYS—Humke.

NOT VOTING—Von Tobel.

Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1185.

Amend the resolution, page 1, by deleting lines 2 through 13 and inserting: “JOINTLY, That a new section be added to article 4, and sections 25, 32 and 33 of article 4 of the Constitution of the State of Nevada be amended to read respectively as follows:

Sec. 33A. 1. The legislature shall provide by law for a citizens' commission on salaries for certain elected officers.

2. The commission must consist of seven members who have diverse personal and professional interests and reside in various geographical areas of this state of which:

(a) Five members are appointed jointly by the speaker of the assembly and the majority leader of the senate; and

(b) Two members are appointed by the governor.

3. Each member of the commission must be a resident of this state and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this section, the term of office of each member of the commission is 4 years. The speaker of the assembly and the majority leader of the senate shall jointly appoint two of the members first appointed for an initial term of 2 years. The governor shall appoint one of the members first appointed for an initial term of 2 years. If a vacancy

occurs, the appointing authority shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the commission may not serve more than two terms.

5. An appointing authority may remove a member of the commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The commission shall elect a chairman from among its members. Except as otherwise provided in this section, the commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the commission is required to take action.

7. Members of the commission are entitled to:

(a) The compensation provided by law for members of the commission on judicial discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The commission shall:

(a) Study the relationship of salaries to the duties of the members of the legislature, the governor, lieutenant governor, secretary of state, state treasurer, state controller, attorney general, justices of the supreme court and judges of the district courts;

(b) Compare the salaries of the elected officers set forth in paragraph (a) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(c) Fix the salaries of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by the legislature.

9. The commission may increase, but not diminish, the salary of an elected officer set forth in paragraph (a) of subsection 8 during his term of office. The commission may exercise any powers conferred by the legislature.

10. The commission shall file its initial schedule of salaries for the elected officers with the secretary of state not later than January 1, 2005, and shall file a schedule of salaries not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries is effective for the period from the July 1 immediately following the January 1 that the schedule is due through the June 30 of the next odd-numbered year. The legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries.

11. Before the commission may file a schedule of salaries with the secretary of state, the commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the secretary of state, the commission shall adopt the schedule as originally proposed or as amended. All meetings of the

commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The legislative counsel bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries established by the commission and filed with the secretary of state.

Sec. 25. The Legislature shall establish a system of County and Township Government . ~~[which shall be uniform throughout the State.]~~

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people ~~[;]~~ *or their appointment* and fix by law their duties . ~~[and compensation.]~~ *The Board of County Commissioners of each county shall determine the compensation of those county officers in its respective county.* County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

~~[Sec.:]~~ Sec. 33. The members of the Legislature shall receive for their services, a compensation to be fixed by ~~[law]~~ *the citizens' commission on salaries for certain elected officers pursuant to section 33A of this article* and paid out of the public treasury, for ~~[not to exceed 60 days]~~ *each calendar day of service during any regular session of the legislature and [not to exceed 20 days] during any special session convened by the governor . [; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected* Provided, that ~~an]~~ *An* appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That section 15 of article 6 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by ~~[law]~~ *the citizens' commission on salaries for certain elected officers pursuant to section 33A of article 4* and paid in the manner provided by ~~[law, which shall not be increased or diminished during the term for which they shall have been elected, unless]~~ *that commission.* If a Vacancy occurs, ~~[in which case]~~ the successor of the former incumbent shall receive ~~[only such salary as may be]~~ *the salary provided for that office by [law]* *the citizens' commission on salaries for certain elected officers* at the time of his election or appointment . ~~[; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.]~~

And be it further

RESOLVED, That section 9 of article 15 of the Constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec. 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.”.

Amend the title of the resolution to read as follows:

“ASSEMBLY JOINT RESOLUTION—Proposing to amend the Constitution of the State of Nevada to provide a citizens’ commission to establish the salaries of certain elected officers, to remove the requirement that the system for county and township government be uniform, to remove the requirement that the Legislature fix the compensation of certain county officers, to authorize the Legislature to provide for the appointment of certain county officers and to authorize each board of county commissioners to determine the salaries of certain county officers in its respective county.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Proposes to amend Nevada Constitution to revise certain provisions relating to system of county and township government and compensation of certain elected officers. (BDR C-1526)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Brown and Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 367.

Bill read third time.

Roll call on Senate Bill No. 367:

YEAS—42.

NAYS—None.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Roll call on Senate Bill No. 428:

YEAS—42.

NAYS—None.

Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Roll call on Senate Bill No. 444:

YEAS—42.

NAYS—None.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Roll call on Senate Bill No. 464:

YEAS—42.

NAYS—None.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Roll call on Senate Bill No. 477:

YEAS—42.

NAYS—None.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 481.

Bill read third time.

Roll call on Senate Bill No. 481:

YEAS—42.

NAYS—None.

Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 494.

Bill read third time.

Roll call on Senate Bill No. 494:

YEAS—42.

NAYS—None.

Senate Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 505.

Bill read third time.

Roll call on Senate Bill No. 505:

YEAS—42.

NAYS—None.

Senate Bill No. 505 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 573.

Bill read third time.

Roll call on Senate Bill No. 573:

YEAS—35.

NAYS—Bache, Chowning, Collins, Freeman, Giunchigliani, Parnell, Smith—7.

Senate Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 209, 505, 510, 519, 588, 658.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 123, Amendment No. 1175; Assembly Bill No. 250, Amendment No. 1179; Assembly Bill No. 504, Amendment No. 1181; Assembly Bill No. 520, Amendment No. 1176; Assembly Bill No. 522, Amendment No. 1177; Assembly Bill No. 666, Amendment Nos. 1171, 1188, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 60.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 326.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1063 to Senate Bill No. 261; Assembly Amendment No. 798 to Senate Bill No. 556.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 447, Senate Amendment No. 928, and requests a conference, and appointed Senators Rhoads, Amodei and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 41.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Amodei and Carlton as a first Conference Committee concerning Senate Bill No. 99.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Amodei and Schneider as a first Conference Committee concerning Senate Bill No. 216.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, Amodei and Carlton as a first Conference Committee concerning Senate Bill No. 362.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Amodei and Wiener as a first Conference Committee concerning Senate Bill No. 399.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Donnell, Jacobsen and Care as a first Conference Committee concerning Senate Bill No. 524.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 48, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend the amendment of the Senate be concurred in.

MARK AMODEI
RAYMOND C. SHAFFER
DEAN A. RHOADS
Senate Conference Committee

CHRIS GIUNCHIGLIANI
DAVID R. PARKS
BOB BEERS
Assembly Conference Committee

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 48.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 620, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend the amendment of the Senate be concurred in.

RAYMOND C. SHAFFER
DEAN A. RHOADS
MAGGIE CARLTON
Senate Conference Committee

DAVID E. GOLDWATER
JOSEPH E. DINI, JR.
DAVID E. HUMKE
Assembly Conference Committee

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 620.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 2:30 p.m.

Motion carried.

Assembly in recess at 1:32 p.m.

ASSEMBLY IN SESSION

At 3:59 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 670, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH E. DINI, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Carpenter and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 370.

Mr. Speaker appointed Assemblywomen Buckley, Gibbons and Leslie as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 447.

Mr. Speaker appointed Assemblymen Anderson, Leslie and Nolan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 466.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 666.

The following Senate amendment was read:

Amendment No. 1171.

Amend the bill as a whole by deleting section 1 and inserting:

“Section 1. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section designated sec. 43.5, following sec. 43, to read as follows:

“Sec. 43.5. Assembly Bill No. 574 of this session is hereby amended by adding thereto a new section to read as follows:

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on October 1, 2001.”.

Amend the bill as a whole by adding a new section designated sec. 49.5, following sec. 49, to read as follows:

“Sec. 49.5. Section 11 of Senate Bill No. 424 of this session is hereby amended to read as follows:

Sec. 11. NRS 444.635 is hereby amended to read as follows:

444.635 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person convicted of violating NRS 444.555 and, in addition to the penalty imposed ~~[in]~~ pursuant to NRS 444.583 or 444.630, any person convicted of violating NRS 444.583 or 444.630 is liable for a civil penalty ~~[]~~ upon each such conviction.

2. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a court before whom a defendant is convicted of a violation of *the provisions of* NRS 444.555, 444.583 or 444.630, shall order the defendant ~~to pay a civil penalty which is at least \$250 but not more than \$2,000.] :~~

(a) *For a first offense, to pay a civil penalty which is at least \$500 but not more than \$5,000.*

(b) *For a second offense, to pay a civil penalty which is at least \$1,000 but not more than \$5,500.*

(c) *For a third offense, to pay a civil penalty which is at least \$1,500 but not more than \$6,000.*

(d) *For any subsequent offense, to pay a civil penalty which is at least \$500 more than the most recent previous civil penalty that the defendant was ordered to pay pursuant to this subsection.*

3. If so provided by the court, ~~[the]~~ a penalty imposed pursuant to this section may be paid in installments.

~~[3.— The health authority or division of environmental protection of the state department of conservation and natural resources]~~

4. *The solid waste management authority* may attempt to collect all such penalties and installments which are in default in any manner provided by law for the enforcement of a judgment.

~~[4.]~~ 5. Each court which receives money ~~[under]~~ pursuant to the provisions of this section shall forthwith remit the money to the division of environmental protection *of the state department of conservation and natural resources* or, if the health authority initiated the action, the district health department which shall deposit the money with the state treasurer for credit in a separate account in the state general fund or with the county treasurer for deposit in an account for the district health department, as the case may be. Money so deposited must be ~~[used]~~ :

(a) *Used only to pay [rewards] :*

(1) *Rewards pursuant to NRS 444.640 [or for] ;*

(2) *For education regarding the unlawful disposal of solid waste;*

(3) *For the cleaning up of dump sites; and*

(4) *For the management of solid waste ; and [paid]*

(b) *Paid as other claims against the state or local governments are paid.”.*

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 1171 to Assembly Bill No. 666.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1188.

Amend the bill as a whole by adding a new section designated sec. 43.3, following sec. 43, to read as follows:

“Sec. 43.3. Section 7 of Assembly Bill No. 444 of this session is hereby amended to read as follows:

Sec. 7. NRS 645.633 is hereby amended to read as follows:

645.633 1. The commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

~~{1.}~~ (a) Willfully using any trade name, service mark or insignie of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

~~{2.}~~ (b) Violating any order of the commission, any agreement with the division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted thereunder.

~~{3.}~~ (c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesman or salesman who has not secured his license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his state of residence.

~~{4.}~~ (d) A felony, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to a charge of felony or any crime involving fraud, deceit, misrepresentation or moral turpitude.

~~{5.}~~ (e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

~~{6.}~~ (f) Failure to include a fixed date of expiration in any written brokerage agreement or to leave a copy of the brokerage agreement with the client.

~~{7.}~~ (g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

~~{8.}~~ (h) Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

~~{9.}~~ (i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

~~{10.}~~ (j) Any conduct which took place before he became licensed, which was in fact unknown to the division and which would have been grounds for denial of a license had the division been aware of the conduct.

~~{11.}~~ (k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesman or salesman, with or on behalf of the licensee.

~~{12.}~~ (l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. ~~[Action may also be taken]~~ *The commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesman's or salesman's license issued to him by any other jurisdiction.*

3. *The commission may take action pursuant to NRS 645.630 against any person who:*

(a) *Holds a permit to engage in property management issued pursuant to NRS 645.6052; and*

(b) *In connection with any property for which the person has obtained a written brokerage agreement to manage the property pursuant to NRS 645.6056:*

(1) *Is convicted of violating any of the provisions of NRS 202.470;*

(2) *Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or*

(3) *Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to the written brokerage agreement.*

4. *The division shall maintain a log of any complaints that it receives relating to activities for which the commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.*

5. *On or before February 1 of each odd-numbered year, the division shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:*

(a) *Any complaints included in the log maintained by the division pursuant to subsection 4; and*

(b) *Any disciplinary actions taken by the commission pursuant to subsection 3."*

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 1188 to Assembly Bill No. 666.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 1179.

Amend sec. 6, page 2, line 11, by deleting "disorders." and inserting: "disorders, or has been referred for such a hearing screening."

Amend the bill as a whole by deleting sec. 12 and inserting:

"Sec. 12. (Deleted by amendment.)"

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to health care; requiring hearing screenings for newborn children or referrals for such screenings; providing exceptions;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires screening of newborn children for hearing impairments under certain circumstances. (BDR 40-155)”.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 250.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly recede from its action on Senate Bill No. 261.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 670.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 670:

YEAS—41.

NAYS—Beers.

Assembly Bill No. 670 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1138.

Amend section 1, page 2, after line 32, by inserting:

“10. *The legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of undeveloped land or a single-family residence occupied by the owner, or both, to the extent necessary to avoid severe economic hardship to the owner of the land or residence.*”.

Amend the title of the resolution, fourth line, by deleting: “purposes.” and inserting: “purposes and to provide for an abatement of the tax upon or an exemption of part of the assessed value of undeveloped land or a single-family residence under certain circumstances.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Proposes to amend Nevada Constitution to provide for separate taxation of certain property regulated by interstate compact and to provide for abatement of tax upon or exemption of part of assessed value of undeveloped land or single-family residence under certain circumstances. (BDR C-785)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1186.

Amend section 1, page 1, line 2, by deleting “7,” and inserting “5.”.

Amend sec. 2, page 1, line 3, by deleting “7,” and inserting “5.”.

Amend sec. 2, page 1, line 4, after “*legislative*” by inserting “*oversight*”.

Amend sec. 3, page 1, line 6, after “*legislative*” by inserting “*oversight*”.

Amend sec. 3, page 1, line 8, by deleting “*Four*” and inserting “*Two*”.

Amend sec. 3, page 1, line 9, by deleting “*two*” and inserting “*one*”.

Amend sec. 3, page 1, line 12, by deleting “*Four*” and inserting “*Two*”.

Amend sec. 3, page 1, line 13, by deleting “*two*” and inserting “*one*”.

Amend sec. 4, page 2, line 11, by deleting “*Five*” and inserting “*Three*”.

Amend sec. 5, page 2, line 27, by deleting “*Monitor*” and inserting: “*Receive from the department of transportation reports concerning*”.

Amend sec. 5, page 2, by deleting lines 35 and 36.

Amend sec. 5, page 2, line 37, by deleting “*5. Direct*” and inserting “*4. Request*”.

Amend sec. 5, page 2, line 39, by deleting “*6.*” and inserting “*5.*”.

Amend sec. 5, page 2, line 41, after “*legislation.*” by inserting: “*The committee shall not request the preparation of more than five legislative measures pursuant to this subsection for a regular legislative session.*”.

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sections 8 through 10 as sections 6 through 8.

Amend sec. 8, page 4, line 8, after “*legislative*” by inserting “*oversight*”.

Amend sec. 8, page 4, line 20, after “*legislative*” by inserting “*oversight*”.

Amend sec. 9, page 4, line 43, after “*legislative*” by inserting “*oversight*”.

Amend sec. 9, page 5, line 1, after “*legislative*” by inserting “*oversight*”.

Amend sec. 10, page 5, line 12, by deleting “*2001.*” and inserting: “*2001, and expires by limitation on July 1, 2005.*”.

Amend the title of the bill, first line, after “*legislative*” by inserting “*oversight*”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates legislative oversight committee on transportation. (BDR 17-68)”.

Amend the bill as a whole by adding the following senators as primary joint sponsors: Senators Amodei and Carlton.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Bache and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 483.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 660, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA2, which is attached to and hereby made a part of this report.

VALERIE WIENER

MARK AMODEI

MAURICE E. WASHINGTON

Senate Conference Committee

BONNIE L. PARNELL

KATHY A. VON TOBEL

DOUGLAS A. BACHE

Assembly Conference Committee

Conference Amendment No. CA2.

Amend section 1, page 2, by deleting lines 12 through 19 and inserting:

“5. *A board of trustees of a school district may ask the superintendent of public instruction to require a person licensed by the superintendent of public instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his leave of absence.*”.

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 660.

Remarks by Assemblywoman Parnell.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 6:00 p.m.

Motion carried.

Assembly in recess at 4:12 p.m.

ASSEMBLY IN SESSION

At 6:35 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 576, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 491, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day appointed Senators James, McGinness and Wiener as a first Conference Committee concerning Assembly Bill No. 466.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved to rescind the action concurring in Senate Amendments No. 1171 to Assembly Bill No. 666.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1190.

Amend section 1, page 1, line 2, by deleting “\$250,000” and inserting “\$200,000”.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. There is hereby appropriated from the state general fund to Washoe Association for Retarded Citizens the sum of \$50,000 for creation of a pilot program to develop supportive employment and reimbursement models to assist clients in their efforts to find and maintain meaningful, productive employment.

2. Upon acceptance of the money appropriated by subsection 1, the Washoe Association for Retarded Citizens agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Washoe Association for Retarded Citizens through December 1, 2002; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1.”.

Amend sec. 2, page 2, by deleting line 1 and inserting:

“Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2”.

Amend the title of the bill to read as follows:

“AN ACT making appropriations to the Opportunity Village Foundation for the revitalization of certain thrift stores and to the Washoe Association for Retarded Citizens for creation of a pilot program to develop an employment model and reimbursement model; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to Opportunity Village Foundation and to Washoe Association for Retarded Citizens. (BDR S-1354)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1212.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill by deleting the third through sixth lines and inserting: “buildings for student housing and dining at the Great Basin College; and providing other”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes issuance of revenue bonds to finance certain buildings at Great Basin College. (BDR S-1226)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 576.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1199.

Amend sec. 4, page 2, line 10, by deleting: *“limousine or livery”* and inserting: *“limousine, livery limousine or super-stretch”*.

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

“Sec. 5.5. *“Super-stretch limousine” means a motor vehicle that:*

1. *Has a capacity of 16 or more persons but not more than 30 persons, including the driver;*
2. *Is engaged in the general transportation of persons for compensation and not operated on a regular schedule or over regular routes;*
3. *Has a chassis that has been modified from its original design to carry 16 or more persons but not more than 30 persons, including the driver; and*
4. *Is not a bus.”.*

Amend sec. 8, page 2, line 43, after *“permit,”* by inserting *“and”*.

Amend sec. 8, page 2, by deleting lines 44 and 45.

Amend sec. 8, page 2, line 46, by deleting *“(3)”* and inserting *“(2)”*.

Amend sec. 8, page 3, by deleting lines 13 through 17 and inserting: *“driver’s permit to an applicant who has been convicted of an offense involving moral turpitude.”.*

Amend the bill as a whole by deleting sec. 14 and adding a new section designated sec. 14, following sec. 13, to read as follows:

“Sec. 14. *The authority shall adopt regulations governing the conduct of the drivers of a fully regulated carrier of passengers to ensure the safety and comfort of the general public.”.*

Amend the bill as a whole by deleting sec. 15 and inserting:

“Sec. 15. *(Deleted by amendment.)”.*

Amend sec. 17, page 6, line 25, after *“act,”* by inserting: *“or any regulation adopted pursuant thereto,”.*

Amend sec. 19, page 7, line 35, by deleting *“limousine”* and inserting: *“limousine, super-stretch limousine”.*

Amend sec. 21, page 8, line 7, by deleting: *“limousines or livery”* and inserting: *“limousines, livery limousines or super-stretch”.*

Amend sec. 21, page 8, line 11, by deleting: *“limousines and livery”* and inserting: *“limousines, livery limousines and super-stretch”.*

Amend sec. 22, page 8, lines 14, 15 and 30, by deleting: *“limousines and livery”* and inserting: *“limousines, livery limousines and super-stretch”.*

Amend sec. 22, page 8, line 38, by deleting: “*limousines or livery*” and inserting: “*limousines, livery limousines or super-stretch*”.

Amend sec. 22, page 9, lines 2 and 5, by deleting: “*limousines and livery*” and inserting: “*limousines, livery limousines and super-stretch*”.

Amend sec. 22, page 9, line 7, after “*allocated.*” by inserting: “*The regulations must reserve an allocation of such vehicles for additional fully regulated carriers of passengers that may subsequently apply for an allocation.*”.

Amend sec. 23, page 9, line 9, by deleting: “*limousines and livery*” and inserting: “*limousines, livery limousines and super-stretch*”.

Amend sec. 24, page 9, line 33, by deleting “*of*” and inserting: “*of, and does not charge compensation for,*”.

Amend sec. 24, page 9, line 37, by deleting “*may*” and inserting “*shall*”.

Amend the bill as a whole by deleting sec. 26 and inserting:

“Sec. 26. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 32 and inserting:

“Sec. 32. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 34 and inserting:

“Sec. 34. (Deleted by amendment.)”.

Amend sec. 37, page 16, line 47, by deleting “*gross*”.

Amend sec. 37, page 17, by deleting lines 1 through 6 and inserting:

“(a) For the first offense, by a fine of not less than \$500 nor more than \$1,000;

(b) For a second offense within 12 consecutive months and each subsequent offense, by a fine of \$1,000; or

(c) For any offense, by imprisonment in the county jail for not more than 6 months, or by both the prescribed fine and imprisonment.”.

Amend sec. 38, page 17, line 28, by deleting: “*limousines and livery*” and inserting: “*limousines, livery limousines and super-stretch*”.

Amend sec. 38, page 17, line 29, after “*carriers.*” by inserting: “*The regulations must not become effective before July 1, 2002.*”.

Amend sec. 38, page 17, by deleting lines 30 through 36.

Amend sec. 38, page 17, line 37, by deleting “*3.*” and inserting “*2.*”.

Amend sec. 38, page 17, after “(c)” by inserting: ““*Super-stretch limousine*” has the meaning ascribed to it in section 5.5 of this act.

(d)”.

Amend sec. 38, page 17, line 44, by deleting “(d)” and inserting “(e)”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; imposing an annual fee upon certain fully regulated carriers; making various changes governing fully regulated carriers of passengers; requiring the drivers of fully regulated carriers of passengers to obtain drivers’ permits; imposing a fee for the issuance and renewal of such a permit; providing for the establishment of standards of conduct for such drivers; providing for the impoundment of certain vehicles by the transportation services authority; requiring certain actions with regard

to defects and unsafe conditions in vehicles; exempting certain holders of unrestricted gaming licenses that operate motor vehicles from the provisions governing fully regulated carriers; authorizing the transportation services authority to impose a fee for the issuance of identification decals to such exempted holders of unrestricted gaming licenses; requiring the transportation services authority to establish a system of allocation for limousines; providing that certain acts of drivers of fully regulated carriers of passengers are unlawful; providing penalties; and providing other matters properly relating thereto.”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1215.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 3 through 6 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 3.018 is hereby amended to read as follows:

3.018 For the eighth judicial district there must be ~~[30]~~ 33 district judges, ~~[11]~~ 12 of whom must be judges of the family court.”.

Amend sec. 2, page 1, line 5, after “act” by inserting: “and the additional district judges required for the eighth judicial district pursuant to section 2 of this act”.

Amend sec. 2, page 1, by deleting line 7 and inserting: “The terms of these judges expire on January 5, 2009.”.

Amend sec. 3, page 1, between lines 10 and 11, by inserting:

“2. There is hereby appropriated from the state general fund to the district judges’ salary account the sum of \$244,764 for the salaries of the additional district judges required pursuant to section 2 of this act.”.

Amend sec. 3, page 1, by deleting line 11 and inserting:

“3. Any remaining balance of the appropriations made by subsections 1 and 2”.

Amend sec. 5, page 2, by deleting line 1 and inserting:

“1. This section and sections 3 and 5 of this act become”.

Amend sec. 5, page 2, line 3, by deleting “Section 3” and inserting “Section 4”.

Amend sec. 5, page 2, by deleting line 4 and inserting:

“3. Sections 1 and 2 of this act become effective at 12:01 a.m. on January 6,”.

Amend the title of the bill to read as follows:

“AN ACT relating to courts; increasing the number of district judges in the second and eighth judicial districts; increasing the number of district judges in the second and eighth judicial districts who must be judges of the family court; making appropriations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Increases number of district judges in second and eighth judicial districts. (BDR 1-521)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 343 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 343.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1211.

Amend the bill as a whole by deleting sections 35 through 41 and adding new sections designated sections 35 through 41, following sec. 34, to read as follows:

“Sec. 35. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 39, inclusive, of this act.

Sec. 36. *As used in sections 36 to 39, inclusive, of this act, “committee” means the legislative committee on children, youth and families.*

Sec. 37. 1. *There is hereby established a legislative committee on children, youth and families consisting of:*

(a) *Five members appointed by the majority leader of the senate, at least two of whom were members of the committee on finance during the immediately preceding legislative session; and*

(b) Five members appointed by the speaker of the assembly, at least two of whom were members of the committee on ways and means during the immediately preceding legislative session.

2. The members of the committee shall elect a chairman and vice chairman from among their members. The chairman must be elected from one house of the legislature and the vice chairman from the other house. After the initial election of a chairman and vice chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall elect a replacement for the remainder of the unexpired term.

3. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.

4. Vacancies on the committee must be filled in the same manner as the original appointments.

Sec. 38. 1. The members of the committee shall meet throughout each year at the times and places specified by a call of the chairman or a majority of the committee.

2. The director of the legislative counsel bureau or his designee shall act as the nonvoting recording secretary.

3. The committee shall prescribe regulations for its own management and government.

4. Except as otherwise provided in subsection 5, six voting members of the committee constitute a quorum.

5. Any recommended legislation proposed by the committee must be approved by a majority of the members of the senate and by a majority of the members of the assembly appointed to the committee.

6. Except during a regular or special session of the legislature, the members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the committee and while engaged in the business of the committee. The salaries and expenses paid pursuant to this subsection and the expenses of the committee must be paid from the legislative fund.

Sec. 39. The committee shall:

1. Study and comment upon issues related to the provision of child welfare services within this state, including, without limitation:

- (a) Programs for the provision of child welfare services;*
- (b) Licensing and reimbursement of providers of foster care;*
- (c) Mental health services; and*
- (d) Compliance with federal requirements.*

2. *Receive progress reports and testimony from the division of child and family services of the department of human resources on the activities of each mental health consortium established pursuant to section 125 of this act.*

3. *Conduct investigations and hold hearings in connection with its powers pursuant to this section.*

4. *Request that the legislative counsel bureau assist in the study of issues related to the provision of child welfare services within this state.*

5. *Make recommendations to the legislature concerning the manner in which the provision of child welfare services within this state may be improved.*

Secs. 40 and 41. (Deleted by amendment.)”.

Amend sec. 93, page 38, line 10, after “inclusive,” by inserting: “and sections 3 and 4 of *Assembly Bill No. 429 of this [act.] session*,”.

Amend sec. 102, page 42, line 12, by deleting “3,” and inserting: “3 and section 2 of *Assembly Bill No. 429 of this [act.] session*,”.

Amend sec. 102, page 42, line 44, before “child,” by inserting: “child and an attorney of a parent or guardian of the”.

Amend sec. 125, page 54, line 41, by deleting “persons:” and inserting: “persons appointed by the administrator:”.

Amend sec. 125, page 55, line 7, by deleting “following:” and inserting: “following persons appointed by the administrator:”.

Amend sec. 126, page 56, between lines 28 and 29, by inserting:

“5. *On or before January 15 of each year, each mental health consortium shall submit the recommended plan prepared pursuant to this section to the legislative committee on children, youth and families established pursuant to section 37 of this act and shall submit progress reports to the legislative committee on children, youth and families at the end of each calendar quarter.*”.

Amend the bill as a whole by deleting sec. 131 and adding a new section designated sec. 131, following sec. 130, to read as follows:

“Sec. 131. Section 126 of this act is hereby amended to read as follows:

Sec. 126. 1. On or before January 1 of each year, each mental health consortium established pursuant to section 125 of this act shall prepare a recommended plan for the provision of mental health services to emotionally disturbed children in the jurisdiction of the consortium.

2. In preparing the recommended plan, each mental health consortium must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on emotionally disturbed children and their families, with the needs and strengths of those children and their family dictating the types and mix of services provided.

(b) The families of emotionally disturbed children, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of an emotionally disturbed child should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to emotionally disturbed children in a sensitive manner that is responsive to cultural and gender-based differences and special needs of the children.

3. The plan prepared pursuant to this section must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) A description of the types of services to be offered to emotionally disturbed children based on the amount of money available to pay the costs of such mental health services within the jurisdiction of the consortium;

(c) Criteria for eligibility for those services;

(d) A description of the manner in which those services may be obtained by eligible children;

(e) The manner in which the costs for those services will be allocated;

(f) The mechanisms to manage the money provided for those services;

(g) Documentation of the number of emotionally disturbed children who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(h) Methods for obtaining additional money and services for emotionally disturbed children from private and public entities; and

(i) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 15 of each year, each mental health consortium shall submit the recommended plan prepared pursuant to this section to the department. If the department disapproves the plan, the department shall submit the plan to the consortium for revision and resubmission to the department.

~~[5. On or before January 15 of each year, each mental health consortium shall submit the recommended plan prepared pursuant to this section to the legislative committee on children, youth and families established pursuant to section 37 of this act and shall submit progress reports to the legislative committee on children, youth and families at the end of each calendar quarter.]”.~~

Amend sec. 133, page 59, by deleting lines 2 through 20 and inserting:

“Sec. 133. The legislative committee on children, youth and families established pursuant to section 37 of this act shall monitor the transfer of duties relating to the provision of child welfare services from the division of child and family services of the department of human resources to each agency which provides child welfare services in a county whose population is 100,000 or more, including, without limitation, the fiscal effects resulting from the transfer of such duties.”.

Amend sec. 133.3, page 59, by deleting line 28 and inserting: “the legislative committee on children, youth and families established pursuant to section 37 of this”.

Amend sec. 133.3, page 59, line 30, by deleting “oversight committee” and inserting: “committee on children, youth and families”.

Amend the bill as a whole by deleting sec. 133.7 and inserting:

“Sec. 133.7. (Deleted by amendment.)”.

Amend sec. 134, page 60, by deleting lines 14 through 18 and inserting “abolishment.”.

Amend sec. 134, page 63, by deleting lines 4 through 15 and inserting: “agency within the classification and unit in which the employee is employed if the employee has maintained the same classification that the employee had before accepting employment with the county agency pursuant to subsection 2.”.

Amend sec. 135, page 63, by deleting lines 30 and 31 and inserting: “to provide child welfare services must be determined by the governor.”.

Amend sec. 135.3, page 63, by deleting line 33 and inserting: “fund to the division of child and family services of the department of human resources the sum of \$5,166,860 for one-time”.

Amend sec. 135.3, page 63, by deleting lines 39 through 48 and inserting: “2. The money appropriated by subsection 1 must be deposited into the account established solely for the costs related to the integration of the child welfare system.”.

Amend sec. 135.5, page 64, line 6, by deleting: “interim finance committee” and inserting: “division of child and family services of the department of human resources”.

Amend sec. 135.5, page 64, by deleting lines 15 through 24 and inserting: “2. The money appropriated by subsection 1 must be deposited into the account established solely for the costs related to the integration of the child welfare system.”.

Amend sec. 135.7, page 64, line 40, by deleting “a new” and inserting “the”.

Amend sec. 135.7, page 64, by deleting lines 42 through 48 and inserting: “The interim finance committee may approve the transfer of money from those three budget accounts pursuant to this subsection upon receipt of a recommendation to do so from the governor.”.

Amend sec. 136, page 65, line 31, after “inclusive,” by inserting “126,”.

Amend sec. 136, page 65, between lines 32 and 33 by inserting:

“8. Section 131 of this act becomes effective on July 1, 2005.”.

Amend the title of the bill, third and fourth lines, by deleting: “creating a legislative oversight committee on the integration of state and local child welfare systems;” and inserting: “establishing a legislative committee on children, youth and families;”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that the action whereby Senate Bill No. 56 was referred to the Concurrent Committee on Transportation be rescinded.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 303 and appointed Senators O'Donnell, Washington and Carlton as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 303.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 303, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

MARK AMODEI

LAWRENCE E. JACOBSEN

RAYMOND C. SHAFFER

Senate Conference Committee

GENIE OHRENSCHALL

DEBBIE SMITH

DENNIS NOLAN

Assembly Conference Committee

Assemblywoman Ohrenschall moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 303.

Remarks by Assemblywoman Ohrenschall.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 271.

The following Senate amendment was read:

Amendment No. 694.

Amend section 1, page 2, line 26, by deleting: “sophomores, juniors or seniors in high school.” and inserting: “[~~sophomores, juniors or seniors in high school.~~] at least 15 years of age.”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 5 through 8 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

“Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

A person to whom the department issues a license pursuant to NRS 483.250 shall not, during the 3 months immediately succeeding the date on which the department issues a license to him pursuant to that section, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.

Sec. 3. NRS 483.250 is hereby amended to read as follows:

483.250 The department shall not issue any license ~~[under]~~ pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) Except as otherwise provided in paragraph (e), a license to a person between the ages of ~~[16]~~ 15 3/4 and 18 years ~~[who]~~ if:

(1) He has completed a course:

~~[(1)]~~ (I) In automobile driver education pursuant to NRS 389.090; or

~~[(2)]~~ (II) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090 ~~[and who]~~ ;

(2) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280 ~~[The]~~ ;

(3) His parent or legal guardian ~~[of a person who desires to obtain a license pursuant to this paragraph must sign and submit]~~ signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the training and experience required by ~~[this paragraph.]~~ subparagraph (2); and

(4) He has held an instruction permit for at least 3 months before he applies for the license.

(e) A license to a person who is between the ages of ~~[16]~~ 15 3/4 and 18 years if:

(1) The public school in which he is enrolled is located in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000;

(2) The public school does not offer automobile driver education;

(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280; ~~and~~

(4) His parent or legal guardian signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the experience required by subparagraph (3) ~~[]~~; *and*

(5) *He has held an instruction permit for at least 3 months before he applies for the license.*

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but ~~[]~~ upon good cause shown to the administrator, the department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this state.

8. To any child who is the subject of a court order issued pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.225, 62.226 or 62.228 which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

Sec. 4. NRS 483.280 is hereby amended to read as follows:

483.280 1. Any person who is at least 15 1/2 years of age may apply to the department for an instruction permit. The department may, in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the highways for a period of ~~[8 months]~~ 1 year when accompanied by a licensed driver who is at least 21 years of age, who has had at least 1 year of licensed driving experience in the type of vehicle for which the permit was issued and who is actually occupying a seat beside the driver, except when the permittee is occupying a

motorcycle. The term “licensed driving experience” as used in this subsection does not include driving experience gained under an instruction permit issued pursuant to the provisions of this section.

2. The department may, in its discretion, issue a temporary driver’s permit to an applicant for a driver’s license permitting him to drive a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant’s right to receive a driver’s license. The permit must be in his immediate possession while driving a motor vehicle, and is invalid when the applicant’s license has been issued or for good cause has been refused.

3. The department, upon receiving proper application, may, in its discretion, issue a restricted instruction permit effective for a school year, or *for a* more restricted period, to an applicant who is enrolled in a driver education program which includes practice driving and which is approved by the department even though the applicant has not reached the legal age to be eligible for a driver’s license. The instruction permit entitles the permittee, when he has the permit in his immediate possession, to drive a motor vehicle only on a designated highway or within a designated area, but only when an approved instructor is occupying a seat beside the permittee.”

Amend sec. 5, page 4, by deleting lines 1 through 3 and inserting:

“Sec. 8. 1. This section and sections 1 to 4, inclusive, of this act become effective on July 1, 2001.

2. Sections 5, 6 and 7 of this act become effective on October 1, 2001.”.

Amend the title of the bill, second line, after “schools;” by inserting: “prohibiting certain younger drivers from transporting certain persons as passengers for a certain period after obtaining a driver’s license; requiring certain younger drivers to hold an instruction permit for a certain period before applying for a driver’s license; extending the period for which a person is authorized to hold an instruction permit;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions concerning education and training of drivers. (BDR 34-1011)”.

Assemblyman Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 271.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that all rules be suspended, and that Assembly Bills Nos. 175, 513, 668 and Assembly Joint Resolution No. 8 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

Assemblyman Parks moved that Assembly Joint Resolution No. 14 just returned from the printer, be placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblymen Hettrick and Gibbons.

Roll call on Assembly Joint Resolution No. 8:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 307 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 175:

YEAS—40.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Freeman.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 513.

Bill read third time.

Roll call on Assembly Bill No. 513:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 513 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 668.

Bill read third time.

Remarks by Assemblymen Hettrick and Gibbons.

Roll call on Assembly Bill No. 668:

YEAS—41.

NAYS—None.

EXCUSED—Freeman.

Assembly Bill No. 668 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Joint Resolution No. 14 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 307.

Bill read third time.

Roll call on Senate Bill No. 307:

YEAS—40.

NAYS—Gustavson.

EXCUSED—Freeman.

Senate Bill No. 307 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:09 p.m.

ASSEMBLY IN SESSION

At 7:46 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 340.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1218.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. The Administrator of the Housing Division of the Department of Business and Industry shall allocate and reserve from the account for low-income housing created by NRS 319.500 the sum of \$450,000 for fiscal year 2001-2002 and the sum of \$450,000 for fiscal year 2002-2003 for a model demonstration project sponsored by a nonprofit corporation to provide an assisted living center for senior citizens living in Clark County.”.

Amend the title of the bill to read as follows:

“AN ACT relating to low-income housing; requiring the allocation of money from the account for low-income housing for a model demonstration project to provide an assisted living center for senior citizens in Clark County; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires allocation of money from account for low-income housing for model demonstration project to provide assisted living center for senior citizens in Clark County. (BDR S-1143)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 115, 503, 506, 514, 516, 523, 525, 526, 554, 618, 630; Assembly Joint Resolutions Nos. 3, 5, 15; Assembly Joint Resolution No. 4 of the 70th Session; Assembly Resolution No. 14; Senate Bills Nos. 33, 139, 194, 207, 232, 321, 356, 402, 431, 432, 436, 437, 438, 439, 440, 441, 448, 450, 455, 456, 457, 461, 478; Senate Concurrent Resolutions Nos. 51, 53.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Mahoney.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Mark T. Lacey.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Nate Downs, Vickie Downs-Maline and Andy Maline, Jr.

Assemblywoman Buckley moved that the Assembly adjourn until Sunday, June 3, 2001 at 10:00 a.m.

Motion carried.

Assembly adjourned at 7:53 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 3, 2001

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Freeman and Humke, who were excused.

Prayer by the Chaplain, Pastor Monte Fast.

Yesterday would have been the 200th birthday of a man who had a great influence upon the history and development of our State. Through his energies several cities were settled. The small community of Genoa is one, but he also helped found the city of Las Vegas. And so, today, we give thanks for the vision and foresight of Brigham Young.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 508, 521, 567, 596; Assembly Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 612, Amendment No. 1202; Assembly Joint Resolution No. 9, Amendment No. 1192, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 38.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 219, Senate Amendment No. 1001, and requests a conference, and appointed Senators James, O'Donnell and Shaffer as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 48.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 555.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 620.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 660.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 195 and appointed Senators Washington, Wiener and Mathews as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 195.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 292, 391, 583.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Senate Bill No. 372, Amendments Nos. 618, 1210 which was returned from the Governor in accordance with Senate Concurrent Resolution No. 53.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1169 to Senate Bill No. 208; Assembly Amendment No. 976 to Senate Bill No. 500; Assembly Amendment Nos. 823, 991, 1168 to Senate Bill No. 531; Assembly Amendment No. 1170 to Senate Bill No. 574.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 116.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 418.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Care, O'Donnell and Porter as a first Conference Committee concerning Senate Bill No. 202.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Townsend and Shaffer as a first Conference Committee concerning Senate Bill No. 320.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Donnell, Neal and Porter as a first Conference Committee concerning Senate Bill No. 489.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that the vote whereby Senate Bill No. 372 was passed be rescinded.

Remarks by Assemblyman Bache.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 671—AN ACT relating to education; making appropriations to the state distributive school account for purposes relating to class-size reduction; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 672—AN ACT relating to making appropriations from the state general fund and the state highway fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 2001, and ending June 30, 2002, and beginning July 1, 2002, and ending June 30, 2003; providing for the use of the money so appropriated; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 292.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 391.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 583.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 615, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 669, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 615.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1201.

Amend sec. 2, page 1, line 13, by deleting “subsection 1:” and inserting “section 1 of this act:”.

Amend sec. 2, page 1, line 15, after “Resources” by inserting “to protect and preserve the property or natural resources of this state or to obtain the benefits thereof”.

Amend sec. 2, page 1, by deleting line 17 and inserting:

“(a) For the acquisition of real or personal”.

Amend sec. 2, page 1, line 19, by deleting “recreation.” and inserting “recreation; or”.

Amend sec. 2, page 2, by deleting line 1 and inserting:

“(b) To support extraordinary capital”.

Amend sec. 2, page 2, by deleting line 6 and inserting:

“(a) For the acquisition of real or personal”.

Amend sec. 2, page 2, line 9, by deleting “both.” and inserting “both; or”.

Amend sec. 2, page 2, by deleting line 10 and inserting:

“(b) For the development and renovation of”.

Amend sec. 2, page 2, by deleting lines 12 through 21 and inserting:

“3. An amount of \$25,000,000 must be allocated to the Las Vegas Springs Preserve in Clark County for the following purposes:

- (a) Planning, development and design of the preserve;
- (b) Providing wildlife habitat;
- (c) Constructing buildings and other facilities for the preserve; or
- (d) Providing other infrastructure for the preserve.

The Las Vegas Springs Preserve shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.

4. An amount of \$10,000,000 must be allocated to Clark County to develop a county regional wetlands”.

Amend sec. 2, page 2, line 24, by deleting “(1)” and inserting “(a)”.

Amend sec. 2, page 2, line 26, by deleting “(2)” and inserting “(b)”.

Amend sec. 2, page 2, line 27, by deleting “(3)” and inserting “(c)”.

Amend sec. 2, page 2, by deleting line 28 and inserting:

“(d) Provide parking for and access to the park.

Clark County shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.”.

Amend sec. 2, page 2, line 29, by deleting “4.” and inserting “5.”.

Amend sec. 2, page 2, line 36, by deleting “and” and inserting “or”.

Amend sec. 2, page 2, by deleting lines 38 through 45 and inserting:

“6. An amount of \$10,000,000 must be allocated to Washoe County to enhance and restore the Truckee River corridor. The money allocated pursuant to this subsection must be used to:

- (a) Acquire and develop land and water rights;
- (b) Provide recreational facilities;
- (c) Provide parking for and access to and along the river; or
- (d) Restore the Truckee River corridor.

Washoe County shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.

7. An amount of \$65,500,000 must be allocated to the State”.

Amend sec. 2, page 3, line 2, by deleting “\$15,000,000” and inserting “\$7,250,000”.

Amend sec. 2, page 3, line 3, by deleting “organizations,” and inserting: “organizations that qualify for grants pursuant to the regulations adopted by the Administrator of the Division of State Lands pursuant to this subsection.”.

Amend sec. 2, page 3, by deleting lines 5 and 6 and inserting: “equestrian and bicycle trails. The award of grants pursuant to this subparagraph must be coordinated”.

Amend sec. 2, page 3, line 8, by deleting “\$10,000,000” and inserting “\$5,000,000”.

Amend sec. 2, page 3, line 9, by deleting “organizations,” and inserting: “organizations that qualify for grants pursuant to the regulations adopted by the Administrator of the Division of State Lands pursuant to this subsection.”.

Amend sec. 2, page 3, by deleting line 12 and inserting: “this subparagraph must be for the protection and preservation of the property and natural resources of this state, or for the purposes of obtaining the benefits thereof. The award of grants pursuant to this subparagraph must be coordinated with the Division of”.

Amend sec. 2, page 3, lines 14 and 15, by deleting: “counties or municipalities,” and inserting: “counties whose population is less than 100,000 or municipalities located within those counties,”.

Amend sec. 2, page 3, by deleting lines 16 and 17 and inserting: “plans. The making of grants pursuant to this subparagraph must be coordinated with the Division of”.

Amend sec. 2, page 3, by deleting line 19 and inserting:

“(4) An amount of \$250,000 to counties whose population is less than 100,000 and municipalities located within those counties for the”.

Amend sec. 2, page 3, line 21, by deleting “\$25,000,000” and inserting “\$20,000,000”.

Amend sec. 2, page 3, by deleting line 22 and inserting: “acquisition of land and water or interests in land and water to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, wetlands and other environmental resources pursuant to an”.

Amend sec. 2, page 3, by deleting line 27 and inserting: “amount of money or value of services, material or equipment that is equal to 50 percent of the cost of the acquisition.”.

Amend sec. 2, page 3, line 30, after “money” by inserting: “or value of services, material or equipment”.

Amend sec. 2, page 3, by deleting lines 31 through 40 and inserting:

“(6) An amount of \$10,000,000 for grants to Churchill County, Douglas County, Lyon County or Carson City and municipalities located within those counties to enhance and restore the Carson River corridor. Grants made pursuant to this subparagraph must require that the county or municipality which receives the grant match the grant with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of the project for which the grant is awarded. Money awarded for grants pursuant to this subparagraph must be used to:

- (I) Acquire and develop land and water rights;
- (II) Provide recreational facilities;

(III) Provide parking for and access to and along the river; or

(IV) Restore the Carson River corridor.

(7) An amount of \$5,000,000 for grants to Douglas County, Washoe County or Carson City and municipalities located within those counties to enhance and develop the Lake Tahoe Path System. Grants made pursuant to this subparagraph must require that the county or municipality which receives the grant match the grant with an amount of money of value of services, material or equipment that is equal to 50 percent of the cost of the project for which the grant is awarded. Money awarded for grants pursuant to this subparagraph must be used to:

(I) Acquire land for the path system; or

(II) Develop the path system.

(b) An amount of \$15,000,000 to carry out contracts or agreements under which nonprofit conservation organizations may acquire land and water or interests in land and water for the public benefit, to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, floodplains and wetlands and other environmental resources. Any money provided by the Division of State Lands pursuant to this paragraph must be matched by an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of the acquisition. The investment of this state in any property acquired pursuant to this paragraph must be secured by an interest in the property.”.

Amend sec. 2, page 3, line 43, by deleting “subsection 6.” and inserting “this subsection.”.

Amend sec. 3, page 4, by deleting lines 11 through 17 and inserting:

“5. The State Department of Conservation and Natural Resources may use the proceeds from the bonds issued pursuant to section 1 of this act and the interest income thereon to defray the costs of administering the provisions of this act and may request an appropriation to defray the costs of administering this act if the money in the fund is not sufficient. The money”.

Amend sec. 3, page 4, by deleting lines 29 through 32 and inserting:

“7. Any property acquired pursuant to the provisions of this act may include easements and other interests in land. Before acquiring any interest in land pursuant to this act, recipients of money pursuant to this act must consider such alternatives to the acquisition of fee simple title as may be available, including, without limitation, the acquisition of easements and remainders after life estates.”.

Amend sec. 3, page 4, between lines 42 and 43 by inserting:

“10. The Interim Finance Committee must approve the issuance of any bonds issued pursuant to this act if the proceeds of which will be used for the purposes set forth in paragraph (a) of subsection 7 of section 2 of this act.”.

Amend sec. 4, page 4, line 44, by deleting “act.” and inserting:

“act, except the use of the proceeds of those bond pursuant to subsections 3 and 5 of section 2 of this act and subparagraph (5) of paragraph (a) of

subsection 7 of section 2 of this act and paragraph (b) of subsection 7 of section 2 of this act.”.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. Notwithstanding the provisions of NRS 361.453 to the contrary, any levy imposed by the legislature for the repayment of bonded indebtedness issued pursuant to the provisions of this act must not be included in calculating the limitation set forth in subsection 1 of NRS 361.453 on the total ad valorem tax levied for all public purposes.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 669.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1194.

Amend section 1, page 1, by deleting lines 7 and 8 and inserting:

“(a) *Each retail liquor store:*

(1) *Holds its nonrestricted license for the purposes set forth in subsection 2 of NRS 463.0177; and*

(2) *Is in the marketing area of the wholesale dealer from which the original package of liquor was obtained by the initial retail liquor store;”.*

Amend section 1, page 2, line 11, after “(b)” by inserting:

“*“Liquor” does not include beer.*

(c) *“Marketing area” has the meaning ascribed to it in NRS 597.136.*

(d)”.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 7 as sections 2 through 6.

Amend sec. 5, page 2, lines 39 and 40, by deleting “*this chapter.*” and inserting: “*section 1 of this act.*”.

Amend sec. 6, page 3, by deleting lines 1 through 3 and inserting:

“2. *Any person violating any provision of section 1 of this act is liable to the department.*”.

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 and 10 as sections 7 and 8.

Amend the title of the bill by deleting the second and third lines and inserting: “*providing for the enforcement of certain provisions of chapter 369 of NRS; providing a civil penalty; and providing other matters properly.*”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 306 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 306.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1213.

Amend section 1, page 1, by deleting line 8 and inserting:

“(b) *Is in the unclassified service of the state.*”.

Amend sec. 6, page 7, by deleting lines 7 through 17 and inserting:

“284.140 The unclassified service of the state consists of the following state officers or employees in the executive department of the state government who receive annual salaries for their service:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in section 3 of *Senate Bill No. 401 of this [act] session* and NRS 223.085 and 223.570, all persons required by law to be”.

Amend sec. 6, page 7, line 20, by deleting “5.” and inserting “3.”.

Amend sec. 6, page 7, line 23, by deleting “6.” and inserting “4.”.

Amend sec. 6, page 7, by deleting lines 33 through 41.

Amend sec. 6, page 7, line 42, by deleting “11.” and inserting “5.”.

Amend sec. 8, page 8, by deleting lines 31 through 33 and inserting:

“289.550 1. Except as otherwise provided in subsection 2, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the commission within 1 year after the date on which the person commences employment as a peace officer unless the commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the commission:”.

Amend sec. 8, page 8, line 34, by deleting “1.” and inserting “(a)”.

Amend sec. 8, page 8, line 35, by deleting “2.” and inserting “(b)”.

Amend sec. 8, page 8, line 36, by deleting “3.” and inserting “(c)”.

Amend sec. 8, page 8, line 37, by deleting “4.” and inserting “(d)”.

Amend sec. 8, page 8, line 42, by deleting “5.” and inserting “(e)”.

Amend sec. 8, page 8, line 43, by deleting “6.” and inserting “(f)”.

Amend sec. 8, page 8, line 45, by deleting “7.” and inserting “(g)”.

Amend sec. 8, page 8, line 46, by deleting “[7-] 8.” and inserting “[~~(g)~~ (h)”.

Amend sec. 11, page 9, by deleting line 12 and inserting: “explosion, civil disturbance, crisis involving violence on school property, at a school activity or on a school bus, or any other occurrence or threatened”.

Amend sec. 19, page 13, line 40, by deleting “and”.

Amend sec. 19, page 13, by deleting line 41 and inserting:

“(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of sections 2 to 16, inclusive, of *Senate Bill No. 289 of this ~~fact-~~session*.”.

Amend sec. 32, page 20, line 11, after “appropriation” by inserting “or authorization”.

Amend the bill as a whole by renumbering sections 37 through 39 as sections 42 through 44 and adding new sections designated sections 37 through 41, following sec. 36, to read as follows:

“Sec. 37. Section 3 of Assembly Bill No. 489 of this session is hereby amended to read as follows:

Sec. 3. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

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

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

(b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of ~~[the blood and the secretor status of the saliva]~~ *a biological specimen* of a person who is convicted of ~~[sexual assault or any other sexual offense.]~~ *an offense listed in subsection 4 of NRS 176.0913*, to the division in the manner prescribed by the director of the department. The information must be submitted to the division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the director of the department,

within the period prescribed by the director of the department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so

notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall, in the manner prescribed by the director of the department:

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

(1) Sexual offenses and other records of criminal history; and

(2) The genetic markers of ~~[the blood and the secretor status of the saliva]~~ *a biological specimen* of a person who is convicted of ~~[sexual assault or any other sexual offense.]~~ *an offense listed in subsection 4 of NRS 176.0913.*

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

(c) Upon request, provide the information that is contained in the central repository to the state disaster identification team of the office of emergency management created pursuant to section 1 of *Senate Bill No. 306* of this ~~[act.]~~ *session.*

5. The division may:

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

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

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

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

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

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

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

6. The central repository shall:

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

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

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

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

- (1) Has applied to the superintendent of public instruction for a license;
- (2) Has applied to a county school district for employment; or
- (3) Is employed by a county school district,

and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:

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

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation, who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.

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

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

(h) On or before July 1 of each year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, or the legislative commission when the legislature is not in regular session, a report containing statistical data about domestic violence in this state.

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

7. The central repository may:

(a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of

statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the office of emergency management created pursuant to section 1 of *Senate Bill No. 306 of this [act.] session*. All money collected pursuant to this paragraph must be used to pay for the cost of operating the central repository.

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Advisory committee" means the committee established by the director of the department pursuant to NRS 179A.078.

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

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

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

Sec. 38. Section 240 of Assembly Bill No. 618 of this session is hereby amended to read as follows:

Sec. 240. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the central repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

- (a) Reflect convictions only; or
- (b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. The central repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information.

5. Records of criminal history must be disseminated by an agency of criminal justice upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The state gaming control board.

(d) The state board of nursing.

(e) The private investigator's licensing board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the public utilities commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) The division of child and family services of the department of human resources and any county agency that is operated pursuant to NRS 432B.325 or authorized by a court of competent jurisdiction to receive and investigate reports of abuse or neglect of children and which provides or arranges for protective services for such children.

(p) The welfare division of the department of human resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The state disaster identification team of the office of emergency management created pursuant to section 1 of *Senate Bill No. 306 of this* ~~act~~ *session*.

(s) *The commissioner of insurance.*

6. Agencies of criminal justice in this state which receive information from sources outside this state concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 39. Section 10 of Senate Bill No. 327 of this session is hereby amended to read as follows:

Sec. 10. NRS 459.742 is hereby amended to read as follows:

459.742 The commission, in carrying out its duties and within the limits of legislative appropriations and other available money, may:

1. Enter into contracts, leases or other agreements or transactions;
2. Provide grants of money to local emergency planning committees to improve their ability to respond to emergencies involving hazardous materials;
3. Assist with the development of comprehensive plans for responding to such emergencies in this state;
4. Provide technical assistance and administrative support to the telecommunications unit of the communication and computing division of the department of information technology for the development of systems for communication during such emergencies;
5. Provide technical and administrative support and assistance for training programs;
6. Develop a system to provide public access to data relating to hazardous materials;
7. Support any activity or program eligible to receive money from the contingency account for hazardous materials;
8. Adopt regulations setting forth the manner in which the office of emergency management created pursuant to section 1 of *Senate Bill No. 306 of this* ~~act~~ *session* shall:

(a) Allocate money received by the division which relates to hazardous materials or is received pursuant to ~~[Public Law 99-499 or Title I of Public Law 93-633;]~~ 42 U.S.C. §§ 11001 *et seq.* or 49 U.S.C. §§ 5101 *et seq.*; and

(b) Approve programs developed to address planning for and responding to emergencies involving hazardous materials; and

9. Coordinate the activities administered by state agencies to carry out the provisions of chapter 459 of NRS, ~~[Public Law 99-499 and Title I of Public Law 93-633;]~~ 42 U.S.C. §§ 11001 *et seq.* and 49 U.S.C. §§ 5101 *et seq.*

Sec. 40. Section 7 of Senate Bill No. 401 of this session is hereby amended to read as follows:

Sec. 7. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the state consists of the following state officers or employees in the executive department of the state government who receive annual salaries for their service:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in *section 3 of this act* and NRS 223.085 and 223.570, all persons required by law to be appointed by the governor or heads of departments or agencies appointed by the governor or by boards.

3. All employees other than clerical in the office of the attorney general and the state public defender required by law to be appointed by the attorney general or the state public defender.

4. Except as otherwise provided by the board of regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the agricultural extension department and experiment station of the University and Community College System of Nevada, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The board of regents of the University of Nevada shall assist the director in carrying out the provisions of this chapter applicable to the University and Community College System of Nevada.

5. All other officers and employees authorized by law to be employed in the unclassified service.

Sec. 41. Section 10 of Senate Bill No. 401 of this session is hereby amended to read as follows:

Sec. 10. 1. This section and sections 1 to 6, inclusive, 8 and 9 of this act become effective on July 1, 2001.

2. Section 7 of this act becomes effective at 12:01 a.m. on July 1, 2001.”.

Amend sec. 39, page 22, by deleting line 16 and inserting:

“Sec. 44. 1. This section and sections 1 to 5, inclusive, 7, 9, 10, 12 to 18, inclusive, and 20 to 43, inclusive, of this act become effective on July 1, 2001.

2. Sections 8, 11 and 19 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Section 6 of this act becomes effective at 12:02 a.m. on July 1, 2001.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblywomen Buckley and Parnell.

Roll call on Assembly Bill No. 340:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Assembly Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblymen Buckley, Gibbons, Dini, Leslie, Beers and Anderson.

Assemblyman Parks requested that the following remarks to be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. Assembly Bill 343 provides for the integration of state and local child welfare services. I was honored to be the chair of an interim committee that studied, for the past two years, the issue of our child welfare system. The information that we were presented did not bode very well for our state. While we had many individuals who are hard working and involved in the system, who fought for our children, the system itself was broken. Children would be shuttled from the county system to the state system after six months. As a result of these shifts, children would be forced to change homes, change foster care placements, because the counties and the state pay different levels. They have different families and different systems. Children ended up languishing in the foster care system for over three years. Some of the moves of these children from home to home, because of our system, range anywhere from six moves per child during their stay to some that were moved over 50 times. It is no wonder that our children were not able to finally reach our goal for all of them—a loving, stable home.

Assembly Bill 343 addresses this issue in Clark and Washoe County where there is a bifurcated system. This refers to the fact the county initially investigates all claims of abuse and neglect and takes charge of that child, usually for six months. Instead of two agencies dealing with the child, this bill provides for one. It provides for the initial start up costs and to do all those necessary things, like moving employees and changing computer systems. In all of this debate there are so many details to be worked out. We are so glad, through the hard work of so many, the children were put first over the difficulties of integration of computer systems and moving desks and all those little things that can sometimes harm a bill.

This bill creates a legislative oversight committee to ensure the work continues, that we implement the best practices for children, so that they are returned to their families or have the opportunity for a loving, stable home within 12 months. This legislative committee will consist of members of the Interim Finance Committee, as well as the Policy Committee and those members who studied those issues so well in this body and who are so familiar with it. Additionally, the bill appropriates the one-shot funds necessary for the transfer as well as

providing that all state employees who are currently involved will be guaranteed their job. If any decide to retire, that will also be taken into account.

We tried very hard to do what is best for our children and what is best for all that are involved in the system by a two-year consensus-building project. I would like to thank very much the hard work that was put in by many of my colleagues, like the Speaker Emeritus, who brought this bill forward last session; my colleague from southern Nevada sitting next to the Speaker Emeritus, who chaired this committee; the chairman of the Judiciary committee, who made this a priority, through our committee, who recommended this interim study; and my colleague from Elko, who brought concerns of the rural communities in this bill. We tried up services for the rural communities so they would benefit by the changes, including the changes in foster care payments, which were already signed by the Governor, to ensure this integration. I would also like to applaud Steve Shaw, Mary Ellen White and the Governor's office, for their executive level commitment, as was seen in the Governor's State of State message and through their work during this process. I would also thank May Shelton and Mike Capello from Washoe County and the Clark County folks who oversaw it.

Shifting functions from state to county is a very, very difficult task. It was through them, through our colleagues in the Senate and the many others that this is able to happen. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of this bill. Would you explain Section 131, I think, which deals with mental health and the reason it is 2005. Why is Section 130 sunsetted, January 1, 2005 and the other one July 1, 2005.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. Section 131 deals with the mental health consortium. In the interim, we found that we have a certain allocation to the higher levels of care as the children are called. Children, as the result of the abuse and neglect, are so damaged that they are forced to be placed in a residential or institutional care. One of the big concerns of the committee is that too many of these children, instead of getting the mental health services they need so they can stay in a family environment, were because of trauma from many moves and a lack of planning and wraparound services early on, placed in an institution. There was complete consensus that this was the worst we could do by our kids. So, we created a mental health consortium. This consortium has no control over the purse strings; that is still done by this body through an appropriation to the state division. This allows both counties to develop a committee consortium structure so they can look where we are allocating our dollars to make the best choices for children. For example, if we are spending \$50,000 a year for a child in an institution, but if we had gotten that child counseling, be spending \$5000 in the first year, we'll not only be helping children, we'll be saving money. We created a mental health consortium with a sunset date because this is an opportunity to review it to make changes, so that in future sessions when we then begin looking at the children in higher levels of care and how best they should be served we can do that with the data and information that we need to make our best decisions.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. The Majority Leader neglected to blow her own horn for all the work she did on this subject. This was a tough subject. It was a lot of work and she needs to have the acclamation of this house for the hard work she did in bringing this to fruition.

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker. I rise in support of AB 343. I want to add my thanks to the Majority Leader for her leadership on this issue. This is really landmark legislation for the children of Nevada. In my mind, this is the most important bill we will be passing this session for children. Nevada will now not be the only state in the country with a bifurcated system of child welfare. There were many times, even though I was not on the committee, my good friend May Shelton from Washoe County kept me very well informed of the progress and setbacks on the development of this legislation. There were many times the whole deal would have fallen apart except for the work of our majority leader. So, on behalf of the children, certainly from Washoe

County, from Clark County and, indeed, the entire state, I want to commend the Majority Leader and everyone involved in this process and urge your strong support of AB 343. Thank you.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker. I would rise to support this legislation and commend the previous speaker and the Majority Leader. This was really one of the big shocks when I was first elected two years ago, to find out this was how we ran our child welfare services. This is a good piece of legislation.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I would feel negligent if I did not rise in support of the legislation, knowing the hard work by the Majority Leader and the dedication, not only to the committee but the various subgroups and conferences that met on a full time basis. This was more than a passing fancy of the legislature in terms of how many pieces had to be put together. While we would all laud it to be the final step, it is merely the first step of a progress that has to be continued and one that we're going to have to watch. It is a giant first step and I hope we are able to make it.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would tell you, having an adjoining office with the Majority Leader, and walls that aren't that thick, some of the discussions that went on emanated through those walls. I can tell you that there is not a single thing that happened this session that was worked on any harder, especially by the Majority Leader.

Potential conflict of interest declared by Assemblyman Beers.

Roll call on Assembly Bill No. 343:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Assembly Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 56:

YEAS—39.

NAYS—Goldwater.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 137:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 143.

Bill read third time.

Roll call on Senate Bill No. 143:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 143 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 421.

Bill read third time.

Remarks by Assemblymen Anderson, Carpenter and Price.

Potential conflict of interest declared by Assemblyman Price.

Roll call on Senate Bill No. 421:

YEAS—39.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 421 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Remarks by Assemblymen Manendo and Von Tobel.

Potential conflict of interest declared by Assemblymen Manendo and Von Tobel.

Roll call on Senate Bill No. 491:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 496:

YEAS—39.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 576.

Bill read third time.

Remarks by Assemblymen Chowning, Gustavson, Lee and Buckley.

Conflict of interest declared by Assemblyman Lee.

Roll call on Senate Bill No. 576:

YEAS—36.

NAYS—Angle, Gustavson—2.

NOT VOTING—Arberry, Lee—2.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 576 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 577.

Bill read third time.

Remarks by Assemblymen Anderson, Angle, Buckley and Brower.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Senate Bill 577 provides that a stockholder, director or officer of a corporation may be individually liable for a debt or liability of the corporation if he acts as an alter ego of the corporation or if the corporation factors of the separate entity should be disregarded for any other reason. The bill further specifies that a stockholder, director or officer acts as the alter ego if, first, the corporation is influenced by the stockholder, director or officer; second, the corporation and the stockholder, director, or officers are inseparable; and third, adheres to the corporate fiction of a separate entity who had sanctioned fraud or promoted injustice. Senate Bill 577 also provides that directors and officers are not individually liable to the corporation or its stockholders for damages resulted from an act or failure to act unless it is proven that their actions or failure to act constituted a breach of fiduciary duties or the breach involved intentional misconduct, fraud or knowing violation of the law.

Senate Bill 577 also increases fees for certain documents filed by the Secretary of State by corporations, foreign corporations, limited liability companies, partnerships, limited partnerships, and business trusts. The change in fees includes an increase from \$85 to \$165 for filing of an initial list of officers, directors, managers, manager members, managing partners and general partners. When the list initially and annually is filed, the bill requires that the business entity provide a declaration under penalty of prejudice, that it comply with the provisions of Nevada tax law.

Other fees increased including filing for certification of documents concerning reinstatement, amendments to certain documents, dissolution, change of location, notice of withdrawal from Nevada by foreign corporations, original acts of organization for limited liability companies and reinstatement of certain business entities. Added fee changes include an increase of \$10 to \$20 for certain copies of certain documents and an increase from \$15 to \$30 for executing a certificate of corporate existence.

Senate Bill 577 authorizes the office of Secretary of State to access \$300,000 in fiscal year 2002 and \$250,000 in fiscal 2002-2003 from the account for special services. These funds may be accessed without the approval of the Interim Finance Committee and may be used for additional personnel, equipment, supplies, office space and other related costs. The measure also authorizes the office of Secretary of State to attain the first \$50 from each expedited fee for

services provided within two hours. For other services in an expedited service, including service provided for 2 to 24 hours, the fee is divided equally between the Secretary of State's Office and the General Fund.

Most of the provisions of this measure are effective on August 1, 2001, allowing the Secretary of State's office to adequately inform its customers of these changes. The provisions allowing the Secretary of State's office to access funds in the accounts for special services, and dividing the fees for expedited service between the state General Fund and Secretary of State are effective on July 1, 2001.

ASSEMBLYWOMAN ANGLE:

I rise in reluctant support for SB 577. In committee I voted against this bill, the reason being we don't have the money, yet, for education. This bill, as it was sent to us from the Senate, was sent in order to attract that money to our state so we could fund our education system, which is in desperate need. I don't believe the way we have amended this bill is going to get us what we need to go with education. In fact, I am fearful that if we leave it the way it is, the condition that it is in, we will actually be telling corporations we don't want them to come. Therefore, we want get this money. So, again, I rise in reluctant support. I will be voting for this bill, but I am very concerned about it.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I rise in support of Senate Bill 577. The fee increases are relatively minor for a new corporation. It is \$80. The money raised by this bill, approximately \$29 million to \$30 million, does not solve educational problems that our children desperately need us to solve. It makes critical strides this session towards to filling the gap along with the bill sponsored by our Assistant Majority Leader that raises an additional \$23.5 million. Thanks to the efforts of this house, our Speaker, our Minority Leader, and the chair of Taxation, we were able to help fill the gap to provide for this money, this session. Additionally, I think the Judiciary Committee was very clear. The law we are codifying only says that if a corporate director steals or commits acts such that it promotes injustice, the standard set by our Nevada Supreme Court, that if that happens, someone can sue. It is a fair standard. It has been our law since 1987. I think we need to be very careful as we address our laws, to make sure they are balanced. I think that was the Senate's intent, and I think that is our intent today.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. I, also, rise in support of SB 577. I do so somewhat reluctantly. I voted against this bill in committee because I thought the original bill was a better alternative for us. The original bill, as we know, did provide for a funding mechanism to be used for education in this state. That mechanism is still in the bill, fortunately.

I want to commend the sponsors of the bill for their creativity in looking for a way to help the funding crisis we see, at least over the next couple of years. The Majority Leader reminded me of the Assistant Majority Leader's efforts, with respect to this funding crisis, as well. I think, between this bill and the bill that the Assistant Majority Leader spoke to yesterday, we will go a long way to accomplishing some things that looked like we could not accomplish earlier in the session. The amended bill, I think, is not as good as the original version, quite frankly. I don't know what the effect will be, but I take seriously the suggestion by some that the changes, by virtue of the amendment we adopted yesterday, go too far and reduce the flexibility that corporations now enjoy under our current statutory scheme and may provide a disincentive for corporate activity in the state. We won't know how that is going to play out.

I am confident the Senate will look at this bill, again. I am hopeful that the differences between the Senate version and the Assembly version can be worked out. And I am hopeful the funding mechanism that this bill creates, will be part of a bill that is passed and will be successful in achieving the goal the bill's sponsors set out with, not too long ago, but hopefully in time to make this a reality.

Roll call on Senate Bill No. 577:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 577 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 372.

Bill read third time.

Remarks by Assemblymen Bache, de Braga, Collins, Gibbons and Beers.

Potential conflict of interest declared by Assemblyman de Braga.

Roll call on Senate Bill No. 372:

YEAS—39.

NAYS—None.

NOT VOTING—Carpenter.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 123.

The following Senate amendment was read:

Amendment No. 1175.

Amend section 1, page 1, line 4, by deleting: “*sections 3 and 4*” and inserting “*section 2*”.

Amend the bill as a whole by deleting sections 2 through 4, renumbering sections 5 and 6 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

If the board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.170 and 695G.200 to 695G.230, inclusive, in the same manner as an insurer that is licensed pursuant to Title 57 of NRS is required to comply with those provisions.”.

Amend sec. 5, page 2, line 29, by deleting: “*sections 3 and 4*” and inserting “*section 2*”.

Amend sec. 6, page 2, by deleting lines 36 and 37 and inserting:

“(1) Must include a program relating to group life, accident or health insurance, or any combination of”.

Amend sec. 6, page 3, line 1, by deleting “shall” and inserting “may”.

Amend sec. 6, page 3, by deleting lines 15 and 16 and inserting:

“(d) Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce”.

Amend sec. 6, page 3, by deleting lines 22 through 26.

Amend sec. 6, page 3, line 27, by deleting “(f)” and inserting “[~~(d)~~] (e)”.

Amend sec. 6, page 3, line 29, by deleting “(g)” and inserting “(f)”.

Amend sec. 6, page 3, line 31, by deleting “(h)” and inserting “(g)”.

Amend sec. 6, page 3, line 33, by deleting: “sections 3 and 4” and inserting “section 2”.

Amend sec. 6, page 3, line 45, by deleting “(i)” and inserting “(h)”.

Amend sec. 6, pages 3 and 4, by deleting lines 46 and 47 on page 3 and lines 1 through 5 on page 4, and inserting: “accountant shall:

(1) Provide an annual audit of the program; and

(2) Report to the board and the interim retirement and benefits committee of the legislature created pursuant to NRS 218.5373.

[~~(h)~~] (i) Appoint an attorney who specializes in employee benefits. The attorney shall:

(1) Perform a biennial review of the program to determine whether the program complies with federal and state laws relating to taxes and employee benefits; and

(2) Report to the board and the interim retirement and benefits committee of the legislature created pursuant to NRS 218.5373.”.

Amend sec. 6, page 4, by deleting lines 16 through 18 and inserting:

“6. As used in this section, “employee benefits” includes any form of compensation provided to a public employee except federal benefits, wages”.

Amend sec. 6, page 4, by deleting line 21.

Amend the bill as a whole by deleting sections 7 and 8 and renumbering sec. 9 as sec. 5.

Amend sec. 9, page 5, line 23, after “employee.” by inserting: “As used in this subsection, “actual cost” includes any amount which has been approved by the board and which is paid by any department, agency, commission or public agency of this state for:

(a) A program of supplemental insurance;

(b) Subsidization of premiums for health insurance for dependents and retired participants;

(c) Administrative costs relating to the provision of the health insurance; and

(d) Costs required to maintain adequate reserves.”.

Amend the bill as a whole by deleting sec. 10 and adding a new section designated sec. 6, following sec. 9, to read as follows:

“Sec. 6. This act becomes effective on January 1, 2002.”.

Amend the title of the bill by deleting the sixth through ninth lines and inserting:

“the public employees’ benefits program; and providing other matters”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 123.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 9.

The following Senate amendment was read:

Amendment No. 1192.

Amend the resolution, page 2, line 22, by deleting “license;” and inserting: “license and on applications for many other licenses, permits and certificates issued by the state;”.

Amend the preamble of the resolution, page 1, line 8, by deleting “license;” and inserting: “license and on the applications for many other licenses, permits and certificates issued by the state;”.

Amend the preamble of the resolution, page 1, line 11, by deleting “license,” and inserting: “license or for many other types of licenses, permits or certificates issued by the state,”.

Amend the title of the resolution, third line, after “license” by inserting: “and on applications for certain other licenses, permits and certificates issued by the state”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Urges Congress to repeal provision of federal law requiring state to record social security number of citizen on application for driver’s license and on application for certain other licenses, permits and certificates issued by state for state to receive certain federal funding. (BDR R-1290)”.

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 9.

Remarks by Assemblyman Price.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

Assembly Bill No. 4.

The following Senate amendment was read:

Amendment No. 1111.

Amend the bill as a whole by renumbering section 1 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The committee on industrial programs is hereby created.*

2. *The committee on industrial programs consists of the director of the department of prisons, the chief of the purchasing division of the department of administration and eight members appointed by the interim finance committee as follows:*

(a) *Two members of the senate.*

(b) *Two members of the assembly.*

(c) *Two persons who represent manufacturing in this state.*

(d) *One person who represents business in this state.*

(e) *One person who represents organized labor in this state.*

3. *The members of the committee on industrial programs shall select a chairman from among their membership.*

4. *Each member of the committee on industrial programs appointed by the interim finance committee must be appointed to a term of 2 years and may be reappointed.*

5. *Except during a regular or special session of the legislature, each legislator who is a member of the committee on industrial programs is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the committee on industrial programs or is otherwise engaged in the work of the committee on industrial programs. Each nonlegislative member appointed by the interim finance committee is entitled to receive compensation for his service on the committee on industrial programs in the same amount and manner as the legislative members whether or not the legislature is in session. Each nonlegislative member of the committee on industrial programs is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. Each legislator who is a member of the committee on industrial programs is entitled to receive the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All compensation, allowances and travel expenses must be paid from the fund for prison industries.*

Sec. 3. 1. *The committee on industrial programs shall:*

(a) *Be informed on issues and developments relating to industrial programs for correctional institutions;*

(b) *Submit a semiannual report to the interim finance committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;*

(c) *Report to the legislature on any other matter relating to industrial programs for correctional institutions that it deems appropriate;*

(d) *Meet at least quarterly and at the call of the chairman to review the operation of current and proposed industrial programs;*

(e) *Recommend three persons to the director for appointment as the assistant director for industrial programs whenever a vacancy exists;*

(f) *Before any new industrial program is established by the director in an institution of the department, review the proposed program for compliance with the requirements of subsections 2, 3 and 4 of NRS 209.461 and submit to the director its recommendations concerning the proposed program; and*

(g) *Review each industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably within 3 years after its establishment. If the committee on industrial programs determines that a program is not operating profitably within 3*

years after its establishment, the committee on industrial programs shall report its finding to the director with a recommendation regarding whether the program should be continued or terminated.

2. Upon the request of the committee on industrial programs, the director and the assistant director for industrial programs shall provide to the committee on industrial programs any information the committee on industrial programs determines is relevant to the performance of the duties of the committee on industrial programs.

Sec. 4. NRS 209.011 is hereby amended to read as follows:

209.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS ~~[209.015]~~ 209.021 to 209.085, inclusive, have the meanings ascribed to them in those sections.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 8 and adding new sections designated sections 6 and 7, following section 1, to read as follows:

“Sec. 6. NRS 209.459 is hereby amended to read as follows:

209.459 The director shall present the recommendations of the ~~[advisory board]~~ committee on industrial programs to the board of state prison commissioners and, with the approval of the board of state prison commissioners, establish and carry out a program for the employment of offenders in services and manufacturing conducted by institutions of the department or by private employers.

Sec. 7. NRS 209.015, 209.4813 and 209.4814 are hereby repealed.”.

Amend the bill as a whole by adding the text of the repealed sections, following sec. 2, to read as follows:

“

TEXT OF REPEALED SECTIONS

209.015 “Advisory board” defined. “Advisory board” means the advisory board on industrial programs.

209.4813 Advisory board on industrial programs: Creation; members; chairman; term of appointed members; payment of compensation, allowances and travel expenses.

1. The advisory board on industrial programs is hereby created.

2. The advisory board consists of the director of the department of prisons, the chief of the purchasing division of the department of administration and eight members appointed by the interim finance committee as follows:

- (a) Two members of the senate.
- (b) Two members of the assembly.
- (c) Two persons who represent manufacturing in this state.
- (d) One person who represents business in this state.
- (e) One person who represents organized labor in this state.

3. The members of the advisory board shall select a chairman from among their membership.

4. Each member of the advisory board appointed by the interim finance committee must be appointed to a term of 2 years and may be reappointed.

5. Except during a regular or special session of the legislature, each legislator who is a member of the advisory board is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the advisory board or is otherwise engaged in the work of the advisory board. Each nonlegislative member appointed by the interim finance committee is entitled to receive compensation for his service on the advisory board in the same amount and manner as the legislative members whether or not the legislature is in session. Each nonlegislative member of the advisory board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. Each legislator who is a member of the advisory board is entitled to receive the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All compensation, allowances and travel expenses must be paid from the fund for prison industries.

209.4814 Advisory board on industrial programs: Duties. The advisory board shall:

1. Be informed on issues and developments relating to industrial programs for correctional institutions;

2. Submit a semiannual report to the interim finance committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;

3. Report to the legislature on any other matter relating to industrial programs for correctional institutions which it deems appropriate;

4. Meet at least quarterly and at the call of the chairman to review the operation of current and proposed industrial programs;

5. Recommend three persons to the director for appointment as the assistant director for industrial programs whenever a vacancy exists;

6. Before any new industrial program is established by the director in an institution of the department, review the proposed program for compliance with the requirements of subsections 2, 3 and 4 of NRS 209.461 and submit to the director its recommendations concerning the proposed program; and

7. Review each industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably within 3 years after its establishment. If the advisory board determines that a program is not operating profitably within 3 years after its establishment, the advisory board shall report its finding to the director with recommendation regarding whether the program should be continued or terminated.”

Amend the title of the bill, second line, after “existing industries;” by inserting:

“creating the committee on industrial programs; specifying the powers and duties of the committee on industrial programs; repealing the statutes creating and governing the advisory board on industrial programs;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning prison industries. (BDR 16-680)”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 4.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 550, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA9, which is attached to and hereby made a part of this report.

BERNIE ANDERSON
BARBARA E. BUCKLEY
JOHN C. CARPENTER
Senate Conference Committee

MARK AMODEI
VALERIE WIENER
MAURICE E. WASHINGTON
Assembly Conference Committee

Conference Amendment No. CA9.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 through 14 as sections 1 through 10.

Amend sec. 6, page 3, by deleting lines 37 through 41 and inserting: “evaluation, observation and treatment ~~under 433A.150 and may:~~

~~(a)~~ ; and

(2) Transport the *allegedly mentally ill* person ~~to or~~
~~(b) Arrange~~ *to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:*

~~[(1)]~~ (1) A local law enforcement agency;

~~[(2)]~~ (II) A system for the nonemergency medical transportation of persons whose operation is authorized by the transportation services authority; or

~~[(3)]~~ (III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS . ~~to a public or private mental health facility for that purpose.]~~”.

Amend sec. 6, pages 3 and 4, by deleting lines 47 and 48 on page 3 and lines 1 through 6 on page 4 and inserting:

“(b) *Apply to a district court for an order requiring:*

(1) *Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and*

(2) *Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose.”.*

Amend sec. 6, page 4, line 22, by deleting: “For the purposes of” and inserting: “As used in”.

Amend sec. 6, page 4, line 35, by deleting “~~Make application~~” and inserting “~~Apply~~”.

Amend the bill as a whole by deleting sec. 15 and renumbering sec. 16 as sec. 11.

Amend the bill as a whole by deleting sections 17 and 18, renumbering sections 19 and 20 as sections 12 and 13 and adding a new section designated sec. 14, following sec. 20, to read as follows:

“Sec. 14. 1. This section and sections 1 and 3 to 13, inclusive, of this act become effective on October 1, 2001.

2. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 2001.”.

Amend the title of the bill by deleting the first and second lines and inserting: “AN ACT relating to health; making various changes to procedures for”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises procedures for detention and civil commitment of mentally ill persons and revises provisions governing rights of patients of health care facilities. (BDR 39-1479)”.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 550.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Gibbons and Lee as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 219.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 597, 670; Senate Bill No. 465.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 465.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 4:00 p.m.

Motion carried.

Assembly in recess at 12:45 p.m.

ASSEMBLY IN SESSION

At 6:08 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 433, 442, 446, 449, 462, 463, 498, 579, 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 324, Amendment No. 1209, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 94, Senate Amendment No. 1064, and requests a conference, and appointed Senators Porter, Neal and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 637, Senate Amendment No. 830, and requests a conference, and appointed Senators Titus, O'Connell and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 25.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 482.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 551.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, McClain and Brower as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 303.

Mr. Speaker appointed Assemblymen Bache, Giunchigliani and Brower as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 637.

Mr. Speaker appointed Assemblymen Bache, Berman and Lee as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 94.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 551, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

KATHY MCCLAIN
ELLEN M. KOIVISTO
GREG BROWER
Assembly Conference Committee

MARK A. JAMES
MIKE MCGINNESS
DINA TITUS
Senate Conference Committee

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 551.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 418, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

JOSEPH E. DINI, JR.
LYNN C. HETTRICK
Assembly Conference Committee

MARK AMODEI
MAGGIE CARLTON
ANN O'CONNELL
Senate Conference Committee

Assemblyman Dini moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 418.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 116, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA4, which is attached to and hereby made a part of this report.

MARK A. MANENDO
DAWN GIBBONS
Assembly Conference Committee

MARK AMODEI
RANDOLPH J. TOWNSEND
BERNICE MATHEWS
Senate Conference Committee

Conference Amendment No. CA4.

Amend the bill as a whole by deleting sections 6 through 13 and renumbering sec. 14 as sec. 6.

Amend the title of the bill by deleting the third through seventh lines and inserting: "clients who have disabilities; and providing other matters properly".

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 116.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 219, consisting of the undersigned members, has met and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

DOUGLAS A. BACHE
DAWN GIBBONS
JOHN J. LEE
Assembly Conference Committee

MARK A. JAMES
WILLIAM R. O'DONNELL
RAYMOND C. SHAFFER
Senate Conference Committee

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 219.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 482, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

MARK A. MANENDO
DON GUSTAVSON
Assembly Conference Committee

MAURICE E. WASHINGTON
RANDOLPH J. TOWNSEND
BERNICE MATHEWS
Senate Conference Committee

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 482.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 653, consisting of the undersigned members, has met and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

DAVID R. PARKS

P.M. "ROY" NEIGHBORS

SANDRA J. TIFFANY

Assembly Conference Committee

MICHAEL SCHNEIDER

ANN O'CONNELL

BOB COFFIN

Senate Conference Committee

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 653.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Giunchigliani moved that the Assembly do not recede from its action on Senate Bill No. 565, Assembly Amendment No. 863, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that the Assembly recede from its action on Senate Bill No. 565, Assembly Amendment No. 1061.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Joint Resolution No. 14 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 324.

The following Senate amendment was read:

Amendment No. 1209.

Amend the bill as a whole by deleting sections 1 through 99 and the text of repealed sections and adding new sections designated sections 1 through 19, following the enacting clause, to read as follows:

“Section 1. NRS 645A.173 is hereby amended to read as follows:

645A.173 ~~[At the time that]~~

1. If an escrow for the sale of real property is established, the holder of the escrow shall , *on the date of establishment of the escrow*, record in writing the number and the date of expiration of the:

~~[1.]~~ (a) License issued pursuant to chapter 645 of NRS; or

~~[2.]~~ (b) Certificate of cooperation issued pursuant to NRS 645.605, of any real estate broker, broker-salesman or salesman who will be paid compensation from money held in the escrow for performing the services of a real estate broker, broker-salesman or salesman in the transaction that is the subject of the escrow. The holder of the escrow is not required to verify independently the validity of the number of the license or certificate.

2. *If an escrow for the sale of real property is established and the real property is or will be secured by a mortgage or deed of trust, the holder of the escrow shall, on the date of establishment of the escrow, record in writing the number and the date of expiration of the license issued pursuant to chapter 645B or 645E of NRS of any mortgage broker or mortgage company associated with the mortgage or deed of trust. The holder of the escrow is not required to verify independently the validity of the number of the license.*

Sec. 2. Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. "Private investor" means:

1. *An investor who is a natural person and who provides his own money for investment in a loan secured by a lien on real property; and*

2. *Two or more investors who are relatives and who jointly provide their own money for investment in a loan secured by a lien on real property, unless the investors are acting on behalf of a partnership, a corporation or some other separate legal entity.*

Sec. 4. 1. *In addition to the requirements set forth in NRS 645B.050, to renew a license:*

(a) If the licensee is a natural person, the licensee must submit to the commissioner satisfactory proof that the licensee attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. *As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage industry or mortgage transactions and which is:*

(a) Certified by the National Association of Mortgage Brokers or any successor in interest to that organization; or

(b) Certified in a manner established by the commissioner, if the National Association of Mortgage Brokers or any successor in interest to that organization ceases to exist.

Sec. 5. NRS 645B.010 is hereby amended to read as follows:

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0103 to 645B.0135, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the office of the commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage broker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this state.

(c) State the name under which the applicant will conduct business as a mortgage broker.

(d) List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

(e) If the applicant is a natural person, include the social security number of the applicant.

(f) Include a general business plan and a ~~[manual for policies and procedures for the mortgage broker and his mortgage agents that includes, without limitation, the underwriting standards, restrictions and]~~ description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

(g) State the length of time the applicant has been engaged in the business of a broker.

(h) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

(i) Include any other information required pursuant to the regulations adopted by the commissioner or an order of the commissioner.

2. If a mortgage broker will conduct business at one or more branch offices within this state, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the commissioner shall issue a license to an applicant as a mortgage broker if:

- (a) The application complies with the requirements of this chapter;
- (b) The applicant submits the statement required pursuant to NRS 645B.023, if the applicant is required to do so; and
- (c) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the commissioner.

Sec. 7. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license issued pursuant to this chapter expires each year on June 30, unless it is renewed. To renew a license, the licensee must submit to the commissioner on or before June 30 of each year:

- (a) An application for renewal;
- (b) The fee required to renew the license pursuant to this section; ~~and~~
- (c) If the licensee is a natural person, the statement required pursuant to NRS 645B.023 ~~[-]~~; and
- (d) *The information required pursuant to section 4 of this act.*

2. If the licensee fails to submit any item required pursuant to subsection 1 to the commissioner on or before June 30 of any year, the license is canceled. The commissioner may reinstate a canceled license if the licensee submits to the commissioner:

- (a) An application for renewal;
- (b) The fee required to renew the license pursuant to this section;
- (c) If the licensee is a natural person, the statement required pursuant to NRS 645B.023; ~~and~~
- ~~(d) A]~~

(d) *The information required pursuant to section 4 of this act; and*

(e) *Except as otherwise provided in this section, a reinstatement fee of \$200.*

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31,

unless it is renewed. To renew a certificate of exemption, a person must submit to the commissioner on or before December 31 of each year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the commissioner on or before December 31 of any year, the certificate of exemption is canceled. Except as otherwise provided in NRS 645B.016, the commissioner may reinstate a canceled certificate of exemption if the person submits to the commissioner:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) ~~[A]~~ *Except as otherwise provided in this section, a reinstatement fee of \$100.*

5. ~~[A]~~ *Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:*

(a) To file an original application or a license, \$1,500 for the principal office and \$40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the commissioner deems necessary. All money received by the commissioner pursuant to this paragraph must be placed in the investigative account created by NRS 232.545.

(b) To be issued a license, \$1,000 for the principal office and \$60 for each branch office.

(c) To renew a license, \$500 for the principal office and \$100 for each branch office.

6. ~~[A]~~ *Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:*

(a) To file an application for a certificate of exemption, \$200.

(b) To renew a certificate of exemption, \$100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of \$10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the state treasury for credit to the state general fund.

9. *The commissioner may, by regulation, increase any fee set forth in this section if the commissioner determines that such an increase is necessary for the commissioner to carry out his duties pursuant to this chapter. The amount of any increase in a fee pursuant to this subsection must not exceed*

the amount determined to be necessary for the commissioner to carry out his duties pursuant to this chapter.

Sec. 8. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the director of the department of business and industry, the commissioner shall exercise general supervision and control over mortgage brokers doing business in this state.

2. In addition to the other duties imposed upon him by law, the commissioner shall:

(a) Adopt ~~any regulations [prescribing standards for determining whether a mortgage broker has maintained adequate supervision of a mortgage agent pursuant to this chapter.~~

~~(b) Adopt any other regulations]~~ that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

~~[(c)]~~ (b) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner.

~~[(d)]~~ (c) Conduct an annual examination of each mortgage broker doing business in this state.

~~[(e)]~~ *The annual examination must include, without limitation, a formal exit review with the mortgage broker. The commissioner shall adopt regulations prescribing:*

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until any objections made by the mortgage broker have been decided by the commissioner.

(d) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary and proper for the efficient administration of the laws of this state regarding mortgage brokers and mortgage agents. The commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

~~[(f)]~~ (e) Classify as confidential certain records and information obtained by the division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by the legislative auditor.

~~[(g)]~~ (f) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker shall pay a fee based on the rate established pursuant to NRS 658.101.

Sec. 9. NRS 645B.085 is hereby amended to read as follows:

645B.085 1. Except as otherwise provided in this section, not later than ~~[60]~~ 90 days after the last day of each fiscal year for a mortgage broker, the mortgage broker shall submit to the commissioner a financial statement that:

- (a) Is dated not earlier than the last day of the fiscal year; and
- (b) Has been prepared from the books and records of the mortgage broker by an independent public accountant who holds a permit to engage in the practice of public accounting in this state that has not been revoked or suspended.

2. The commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage broker requests such an extension before the date on which the financial statement is due.

3. If a mortgage broker maintains any accounts described in subsection 1 of NRS 645B.175, the financial statement submitted pursuant to this section must be audited. If a mortgage broker maintains any accounts described in subsection 4 of NRS 645B.175, those accounts must be audited. The public accountant who prepares the report of an audit shall submit a copy of the report to the commissioner at the same time that he submits the report to the mortgage broker.

4. The commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 10. NRS 645B.185 is hereby amended to read as follows:

645B.185 1. A mortgage broker or mortgage agent shall not accept money from ~~[an]~~ a *private* investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property unless:

(a) The *private* investor and the mortgage broker or mortgage agent sign and date a disclosure form that complies with the provisions of this section; and

(b) The mortgage broker or mortgage agent gives the *private* investor the original disclosure form that has been signed and dated.

2. ~~[An]~~ A *private* investor and a mortgage broker or mortgage agent must sign and date a separate disclosure form pursuant to subsection 1 for each loan in which the *private* investor invests his money. A mortgage broker or mortgage agent shall not act as the attorney in fact or the agent of ~~[an]~~ a *private* investor with respect to the signing or dating of any disclosure form.

3. In addition to the requirements of subsections 1 and 2, a mortgage broker or mortgage agent shall not accept money from ~~[an]~~ a *private* investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property, unless the mortgage broker or mortgage agent gives the *private* investor a written form by which the *private* investor may request that the mortgage broker authorize the commissioner to release the mortgage broker's financial statement to the *private* investor. Such a form must be given to the *private* investor for each loan. If the *private* investor, before giving money to the mortgage broker for the loan, requests that the mortgage broker authorize the release of a financial statement pursuant to this subsection, the mortgage

broker and his mortgage agents shall not accept money from the *private* investor for that loan until the mortgage broker receives notice from the commissioner that the financial statement has been released to the *private* investor.

4. ~~[An]~~ A *private* investor and a mortgage broker or mortgage agent may not agree to alter or waive the provisions of this section by contract or other agreement. Any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

5. A mortgage broker shall retain a copy of each disclosure form that is signed and dated pursuant to subsection 1 for the period that is prescribed in the regulations adopted by the commissioner.

6. The standard provisions for each such disclosure form must include, without limitation, statements:

(a) Explaining the risks of investing through the mortgage broker, including, without limitation:

(1) The possibility that the debtor may default on the loan;

(2) The nature of the losses that may result through foreclosure;

(3) The fact that payments of principal and interest are not guaranteed and that the *private* investor may lose the entire amount of principal that he has invested;

(4) The fact that the mortgage broker is not a depository financial institution and that the investment is not insured by any depository insurance and is not otherwise insured or guaranteed by the federal or state government; and

(5) Any other information required pursuant to the regulations adopted by the commissioner; and

(b) Disclosing to the *private* investor the following information if the information is known or, in light of all the surrounding facts and circumstances, reasonably should be known to the mortgage broker:

(1) Whether the real property that will secure the loan is encumbered by any other liens and, if so, the priority of each such lien, the amount of debt secured by each such lien and the current status of that debt, including, without limitation, whether the debt is being paid or is in default;

(2) Whether the mortgage broker or any general partner, officer, director or mortgage agent of the mortgage broker has any direct or indirect interest in the debtor;

(3) Whether any disciplinary action has been taken by the commissioner against the mortgage broker or any general partner, officer or director of the mortgage broker within the *immediately* preceding 12 months, and the nature of any such disciplinary action;

(4) Whether the mortgage broker or any general partner, officer or director of the mortgage broker has been convicted within the *immediately* preceding 12 months for violating any law, ordinance or regulation that involves fraud, misrepresentation or a deceitful, fraudulent or dishonest business practice; and

(5) Any other information required pursuant to the regulations adopted by the commissioner.

7. Whether or not a mortgage broker is required to disclose any information to *private* investors through a disclosure form that complies with the provisions of this section, the commissioner may order the mortgage broker to disclose to *private investors and other* investors or to the general public any information concerning the mortgage broker, any general partner, officer, director or mortgage agent of the mortgage broker or any loan in which the mortgage broker is or has been involved, if the commissioner, in his judgment, believes that the information:

(a) Would be of material interest to a reasonable investor who is deciding whether to invest money with the mortgage broker; or

(b) Is necessary to protect the welfare of the public.

8. In carrying out the provisions of subsection 7, the commissioner may, without limitation, order a mortgage broker to include statements of disclosure prescribed by the commissioner:

(a) In the disclosure form that must be given to *private* investors pursuant to subsection 1;

(b) In additional disclosure forms that must be given to *private investors and other* investors before or after they have invested money through the mortgage broker; or

(c) In any advertisement that the mortgage broker uses in carrying on his business.

9. The commissioner:

(a) Shall adopt regulations prescribing the period for which a mortgage broker must retain a copy of each disclosure form that is given to *private* investors; and

(b) May adopt any other regulations that are necessary to carry out the provisions of this section, including, without limitation, regulations specifying the size of print and any required formatting or typesetting that a mortgage broker must use in any form that is given to *private* investors.

Sec. 11. NRS 645B.189 is hereby amended to read as follows:

645B.189 1. ~~Each~~ If, in carrying on his business, a mortgage broker uses an advertisement that is designed, intended or reasonably likely to solicit money from private investors, the mortgage broker shall include in each such advertisement ~~{that the mortgage broker uses in carrying on his business}~~:

~~(a) A~~ a statement of disclosure in substantially the following form:
Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured.

~~{(b) Any other}~~

2. A mortgage broker shall include in each advertisement that the mortgage broker uses in carrying on his business any statements of disclosure required pursuant to the regulations adopted by the commissioner

or required pursuant to an order of the commissioner entered in accordance with subsections 7 and 8 of NRS 645B.185.

~~{2-}~~ 3. Each mortgage broker shall submit any proposed advertisement that the mortgage broker intends to use in carrying on his business to the commissioner for approval.

~~{3-}~~ 4. In addition to the requirements set forth in this chapter, each advertisement that a mortgage broker uses in carrying on his business must comply with the requirements of:

(a) NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices; and

(b) Any applicable federal statute or regulation concerning deceptive advertising and the advertising of interest rates.

~~{4-}~~ 5. If a mortgage broker violates any provision of NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices or any federal statute or regulation concerning deceptive advertising or the advertising of interest rates, in addition to any sanction or penalty imposed by state or federal law upon the mortgage broker for the violation, the commissioner may take any disciplinary action set forth in subsection 2 of NRS 645B.670 against the mortgage broker.

~~{5-}~~ 6. The commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

Sec. 12. NRS 645B.330 is hereby amended to read as follows:

645B.330 1. A mortgage broker or mortgage agent shall not engage in any act or transaction on behalf of ~~{an}~~ *a private* investor pursuant to a power of attorney unless:

(a) The power of attorney is executed for the sole purpose of providing services for ~~{loans}~~ *not more than one specific loan* in which the *private* investor owns a beneficial interest; and

(b) The provisions of the power of attorney:

(1) Have been approved by the commissioner;

(2) Expressly prohibit the mortgage broker and his mortgage agents from engaging in any act or transaction that subordinates the priority of a recorded deed of trust unless, before such an act or transaction, the mortgage broker obtains written approval for the subordination from the *private* investor;

(3) Expressly prohibit the mortgage broker and his mortgage agents from using or releasing any money in which the *private* investor owns a beneficial interest with regard to ~~{a}~~ *the* specific loan for a purpose that is not directly related to providing services for the loan unless, before any such money is used or released for another purpose, the mortgage broker obtains written approval from the *private* investor to use or release the money for the other purpose; and

(4) Expressly provide that the power of attorney is effective *only* for ~~{a period of not more than 6 months unless, before the date on which the period expires, the mortgage broker obtains written approval from the investor to extend the power of attorney for an additional period of not more than 6~~

~~months. The mortgage broker may, on a continuing basis, obtain written approval from the investor to extend the power of attorney for one or more consecutive periods of not more than 6 months each, except that the investor may execute only one written approval for an extension during each such 6-month period.] the term of the specific loan unless the mortgage broker obtains written approval from the private investor to extend the term of the power of attorney to provide services for not more than one other loan and the written approval:~~

- (I) *Identifies the loan for which the power of attorney was executed; and*
- (II) *Identifies the loan for which the written approval is being given.*

2. A mortgage broker or mortgage agent shall not act as the attorney in fact or the agent of ~~[an]~~ a private investor with respect to the giving of written approval pursuant to paragraph (b) of subsection 1. ~~[An]~~ A private investor and a mortgage broker or mortgage agent may not agree to alter or waive the provisions of this section by contract or other agreement. Any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

3. ~~[A]~~ Except as otherwise provided in subsection 4, a power of attorney which designates a mortgage broker or mortgage agent as the attorney in fact or the agent of ~~[an]~~ a private investor and which violates the provisions of this section is void and must not be given effect with regard to any act or transaction that occurs on or after October 1, 1999, whether or not the power of attorney is or has been executed by the private investor before, on or after October 1, 1999.

4. *The provisions of subsection 3 do not apply to a power of attorney that designates a mortgage broker or mortgage agent as the attorney in fact or the agent of a private investor if the power of attorney:*

- (a) *Was executed before July 1, 2001; and*
- (b) *Complied with the provisions of this section that were in effect on October 1, 1999.*

5. The provisions of this section do not limit the right of ~~[an]~~ a private investor to include provisions in a power of attorney that are more restrictive than the provisions set forth in subsection 1.

Sec. 13. NRS 645B.450 is hereby amended to read as follows:

645B.450 1. A person shall not act as or provide any of the services of a mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a mortgage agent if the person:

- (a) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or
- (b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

2. A mortgage agent may not be associated with or employed by more than one mortgage broker at the same time.

3. A mortgage broker shall register with the division each person who will be associated with or employed by the mortgage broker as a mortgage

agent. *A mortgage broker shall register each such person with the division when the person begins his association or employment with the mortgage broker and annually thereafter. A registration expires 12 months after its effective date.*

4. To register a person as a mortgage agent, a mortgage broker must:

(a) Submit to the division a registration form which is provided by the division and which:

(1) States the name, residence address and business address of the person;

(2) Is signed by the person;

(3) Includes a provision by which the person gives his written consent to an investigation of his credit history, criminal history and background; and

(4) Includes any other information or supporting materials required by the regulations adopted by the commissioner. Such information or supporting materials may include, without limitation, a complete set of fingerprints from the person, the social security number of the person and other forms of identification of the person. ~~{and~~

~~(b) Pay}~~

(b) For each initial registration, pay the actual costs and expenses incurred by the division to investigate the credit history, criminal history and background of the person. All money received pursuant to this paragraph must be placed in the investigative account created by NRS 232.545.

~~{4.}~~ *(c) For each annual registration, submit to the division satisfactory proof that the person attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the registration expires.*

5. *Not later than the date on which the mortgage broker submits the information for annual registration required by subsection 4, the person being registered shall pay an annual registration fee of \$125. If the person does not pay the annual registration fee, the person shall be deemed to be unregistered for the purposes of this chapter.*

6. A mortgage broker shall not employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker as a mortgage agent if the mortgage broker has not registered the person with the division pursuant to ~~{subsection 3}~~ *this section* or if the person:

(a) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or

(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

~~{5.}~~ 7. If a mortgage agent terminates his association or employment with a mortgage broker for any reason, the mortgage broker shall, not later than the ~~{end of the next}~~ *third* business day following the date of termination:

(a) Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises him that his termination is being reported to the division; and

(b) Deliver or send by certified mail to the division:

(1) A written statement of the circumstances surrounding the termination; and

(2) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).

8. *As used in this section, "certified course of continuing education" has the meaning ascribed to it in section 4 of this act.*

Sec. 14. NRS 645B.460 is hereby amended to read as follows:

645B.460 1. A mortgage broker shall ~~;~~

~~1. Teach his mortgage agents the fundamentals of mortgage lending and the ethics of the profession; and~~

~~2. Supervise] exercise reasonable supervision over the activities of his mortgage agents . [and the operation of his business.] Such reasonable supervision must include, as appropriate:~~

~~(a) The establishment of written or oral policies and procedures for his mortgage agents; and~~

~~(b) The establishment of a system to review, oversee and inspect the activities of his mortgage agents, including, without limitation:~~

~~(1) Transactions handled by his mortgage agents pursuant to this chapter;~~

~~(2) Communications between his mortgage agents and a party to such a transaction;~~

~~(3) Documents prepared by his mortgage agents that may have a material effect upon the rights or obligations of a party to such a transaction; and~~

~~(4) The handling by his mortgage agents of any fee, deposit or money paid to the mortgage broker or his mortgage agents or held in trust by the mortgage broker or his mortgage agents pursuant to this chapter.~~

2. *The commissioner shall allow a mortgage broker to take into consideration the total number of mortgage agents associated with or employed by the mortgage broker when the mortgage broker determines the form and extent of the policies and procedures for those mortgage agents and the system to review, oversee and inspect the activities of those mortgage agents.*

3. *The commissioner may adopt regulations prescribing standards for determining whether a mortgage broker has exercised reasonable supervision over the activities of a mortgage agent pursuant to this section.*

Sec. 15. NRS 645B.600 is hereby amended to read as follows:

645B.600 1. A person may ~~[, in accordance with the regulations adopted pursuant to subsection 2,] file with the commissioner a complaint [with the commissioner,] alleging that another person has violated a~~

provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner.

2. ~~[The commissioner shall adopt regulations prescribing:~~

~~(a) The form that such a complaint must take;~~

~~(b) The information that must be included in such a complaint; and~~

~~(c) The procedures that a person must follow to file such a complaint.] A~~

complaint filed pursuant to this section must:

(a) Be in writing;

(b) Be signed by the person filing the complaint or the authorized representative of the person filing the complaint;

(c) Contain an address and a telephone number for the person filing the complaint or the authorized representative of the person filing the complaint;

(d) Describe the nature of the alleged violation in as much detail as possible;

(e) Include as exhibits copies of all documentation supporting the complaint; and

(f) Include any other information or supporting materials required by the regulations adopted by the commissioner or by an order of the commissioner.

Sec. 16. NRS 645B.670 is hereby amended to read as follows:

645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant, whether or not he is issued a license, the commissioner may impose upon the applicant an administrative fine of not more than \$10,000, if the applicant:

(a) Has knowingly made or caused to be made to the commissioner any false representation of material fact;

(b) Has suppressed or withheld from the commissioner any information which the applicant possesses and which, if submitted by him, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. For each violation committed by a licensee, the commissioner may impose upon the licensee an administrative fine of not more than \$10,000, may suspend, revoke or place conditions upon his license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner;

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the commissioner any false representation of material fact or has suppressed or withheld from the commissioner any information which the licensee possesses and which, if submitted by him, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to ~~maintain adequate~~ *exercise reasonable supervision over the activities* of a mortgage agent ~~[-]~~ *as required by NRS 645B.460;*

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the licensee as a mortgage agent at a time when the licensee knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or

(2) Had a financial services license or registration suspended or revoked within the immediately preceding 10 years; or

(t) Has not conducted verifiable business as a mortgage broker for 12 consecutive months, except in the case of a new applicant. The commissioner shall determine whether a mortgage broker is conducting business by examining the monthly reports of activity submitted by the licensee or by conducting an examination of the licensee.

Sec. 17. NRS 645B.700 is hereby amended to read as follows:

645B.700 1. Except as otherwise provided in subsection 2, for each violation that may be committed by a person pursuant to this chapter or the regulations adopted pursuant to this chapter, the commissioner ~~[shall]~~ *may* adopt regulations:

(a) Categorizing the violation as a major violation or a minor violation; and

(b) Specifying the disciplinary action that will be taken by the commissioner pursuant to this chapter against a person who commits:

(1) A major violation. The disciplinary action taken by the commissioner for a major violation ~~[must]~~ *may* include, without limitation, suspension or revocation of the person's license.

(2) More than two minor violations. The commissioner may establish graduated sanctions for a person who commits more than two minor violations based upon the number, the frequency and the severity of the minor violations and whether the person previously has committed any major violations.

2. The provisions of this section do not apply to a violation for which the commissioner is required to take disciplinary action in accordance with NRS 645B.690.

Sec. 18. Section 139 of chapter 646, Statutes of Nevada 1999, at page 3816, is hereby amended to read as follows:

Sec. 139. 1. This section and section 130.5 of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and on September 30, 1999, for all other purposes.

2. Sections 1 to 101, inclusive, 103, 105 to 117, inclusive, 119 to 130, inclusive, and 131 to 138, inclusive, of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and on October 1, 1999, for all other purposes.

3. Sections 102, 104 and 118 of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and at 12:01 a.m. on October 1, 1999, for all other purposes.

4. Sections 15 and 33 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

~~{5.—Section 78.5 of this act expires by limitation on October 1, 2001.}~~

Sec. 19. This act becomes effective on July 1, 2001.”.

Amend the title of the bill to read as follows:

“AN ACT relating to financial institutions; revising various provisions regarding the regulation of mortgage brokers and mortgage agents; requiring the holder of certain escrows to obtain certain information from mortgage brokers and mortgage companies; requiring mortgage brokers and mortgage agents to attend certain courses of continuing education; authorizing the commissioner of financial institutions to adopt regulations to increase certain fees for mortgage brokers in certain circumstances; revising provisions relating to certain advertisements and disclosures by mortgage brokers; revising provisions concerning certain powers of attorney; requiring mortgage brokers to register their mortgage agents with the division of financial institutions of the department of business and industry on an annual basis; requiring mortgage agents to pay an annual registration fee; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises various provisions regarding regulation of mortgage brokers and mortgage agents. (BDR 54-491)”.

Assemblyman Dini moved that the Assembly concur in the Senate amendment to Assembly Bill No. 324.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Bache and Von Tobel as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 565.

Mr. Speaker appointed Assemblymen Buckley, Brown and Smith as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 219.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 306 be placed on the General File.

Motion carried.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bills Nos. 615 and 669 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 433.

Bill read third time.

Roll call on Senate Bill No. 433:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Roll call on Senate Bill No. 442:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Roll call on Senate Bill No. 446:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 449.

Bill read third time.

Roll call on Senate Bill No. 449:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Roll call on Senate Bill No. 462:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Roll call on Senate Bill No. 463:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Roll call on Senate Bill No. 498:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 579.

Bill read third time.

Roll call on Senate Bill No. 579:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 579 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 581.

Bill read third time.

Roll call on Senate Bill No. 581:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 14.

Bill read third time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1217.

Amend the resolution, page 1, line 2, after "25," by inserting "26,".

Amend the resolution, page 3, between lines 14 and 15, by inserting:

"Sec. 26. The Legislature shall provide by law, for the election of a Board of County Commissioners in each County, and such County Commissioners shall jointly and individually perform such duties as may be prescribed by law. *The compensation of the members of the Board of County Commissioners of each County must be fixed by the Board of County Commissioners in each respective County.*".

Amend the resolution, page 3, by deleting line 49 and inserting: "by law . ~~[which shall not be increased during the term]~~".

Amend the resolution, page 4, line 1, by deleting "*that commission.*".

Amend the title of the bill, sixth line, by deleting "authorize" and inserting "require".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 615.

Bill read third time.

Roll call on Assembly Bill No. 615:

YEAS—35.

NAYS—Angle, Brown, Cegavske, Gustavson—4.

NOT VOTING—Goldwater.

EXCUSED—Freeman, Humke—2.

Assembly Bill No. 615 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 669.

Bill read third time.

Roll call on Assembly Bill No. 669:

YEAS—39.

NAYS—Anderson.

EXCUSED—Freeman, Humke—2.

Assembly Bill No. 669 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 306.

Bill read third time.

Roll call on Senate Bill No. 306:

YEAS—37.

NAYS—Giunchigliani, Parnell, Smith—3.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 606, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 606.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1200.

Amend the bill as a whole by deleting sections 1 through 5, renumbering sec. 6 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

The annual base salary to which a justice of the supreme court described in subsection 1 of NRS 2.050 is entitled to receive must be cumulatively increased on July 1, 2003, and on July 1 of each year thereafter, by any percentage by which the average industrial hourly wage in the state increased during the previous fiscal year, as determined on July 1 of each year by the employment security division of the department of employment, training and rehabilitation.”.

Amend sec. 6, page 3, by deleting lines 41 through 46 and inserting:
“~~\$107,600.~~ an annual base salary of \$150,000.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding new sections designated sections 3 through 7, following sec. 6, to read as follows:

“Sec. 3. NRS 2.060 is hereby amended to read as follows:

2.060 1. Any justice of the supreme court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 22 years and has ended such service is, after reaching the

age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to three-fourths the sum received as a salary for his judicial services during the last year thereof, payable every 2 weeks from money provided by direct legislative appropriation.

2. Any justice of the supreme court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 5 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable every 2 weeks from money provided by direct legislative appropriation.

3. Any justice of the supreme court who qualifies for a pension under the provisions of subsection 2 is entitled to receive, for each year served beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable as provided in subsection 2.

4. Any justice who has retired pursuant to subsection 3 and is thereafter recalled to additional active service in the court system is entitled to receive credit toward accumulating 22 years' service for the maximum pension based upon the time he actually spends in the additional active service.

5. Any justice who has the years of service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A benefit under this subsection must be reduced in the same manner as benefits are reduced for persons retired under the public employees' retirement system.

6. Any person receiving a pension pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired under the public employees' retirement system.

7. Any justice who desires to receive the benefits of this section must file with the state controller and the state treasurer an affidavit setting forth the fact that he is ending his service, the date and place of his birth, and the years he has served in any district court or the supreme court.

8. Upon such notice and filing of the affidavit, the state controller shall draw his warrant, payable to the justice who has thus ended his service, upon the state treasurer for the sum due to him, and the state treasurer shall pay the sum out of money provided by direct legislative appropriation.

9. The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any justice who may have ended his service pursuant to it.

10. *As used in this section, "salary" includes a salary received for service on a supreme court commission created by statute.*

Sec. 4. NRS 2.410 is hereby amended to read as follows:

2.410 1. The supreme court law library shall be under the supervision and control of the supreme court, which may make and enforce such rules and regulations as may be necessary for the government, use and services of the library. Such rules or regulations shall assure that the library is accessible for public use and to users in all parts of the state.

2. *There is hereby created a supreme court commission on law libraries. The chief justice of the supreme court shall appoint justices of the supreme court who are interested in issues related to improving access by the public to the law and legal publications to serve on the commission.*

3. *The supreme court commission on law libraries shall:*

(a) *Advise the supreme court concerning the government, use and services of the supreme court law library, including, without limitation, any decisions made by the supreme court pursuant to subsection 1 and NRS 2.420 and 2.430;*

(b) *Coordinate the development of materials to aid persons who choose to represent themselves in litigation and other legal matters rather than retaining an attorney; and*

(c) *Provide assistance and advice to the district court commission on law libraries during its existence concerning the government, use and services of county law libraries.*

4. *The commission shall meet at least quarterly and shall prepare and submit an annual report to the administrative office of the courts.*

5. *On January 6, 2003, the chief justice of the supreme court shall appoint two justices of the supreme court to serve terms on the supreme court commission on law libraries which begin on January 6, 2003, and end on January 2, 2005, and three justices to serve terms which begin on January 6, 2003, and end on December 31, 2006. If a justice appointed pursuant to this subsection to serve on the supreme court commission on law libraries ceases to be a justice of the supreme court, his term as a member of the supreme court commission on law libraries expires on the date that he ceases to be a justice of the supreme court. Such a vacancy on the supreme court commission on law libraries may only be filled by the person appointed to fill the vacancy on the supreme court and only for the remainder of the term for which he is appointed and actually serves.*

6. *Each member of the supreme court commission on law libraries who is appointed pursuant to subsection 5 is entitled to receive a salary of \$32,400 for each year that he serves on the commission, payable in biweekly installments.*

Sec. 5. Chapter 3 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. *The annual base salary to which a district judge is entitled pursuant to subsection 1 of NRS 3.030 must be cumulatively increased on July 1, 2003, and on July 1 of each year thereafter, by any percentage by which the average industrial hourly wage in the state increased during the previous fiscal year, as determined on July 1 of each year by the employment*

security division of the department of employment, training and rehabilitation.

Sec. 7. 1. There is hereby created a district court commission on law libraries. The commission shall:

(a) Make recommendations to and otherwise advise generally the boards of law library trustees established pursuant to chapter 380 of NRS concerning policies and procedures related to improving access by the public to the law and legal publications;

(b) Coordinate the development of materials to aid persons who choose to represent themselves in litigation and other legal matters rather than retaining an attorney; and

(c) In a county in which the board of county commissioners governs and manages a law library, make recommendations to and otherwise advise the board of county commissioners concerning any issues that arise as the board manages the law library, carries out its duties set forth in chapter 380 of NRS or exercises any power granted to a board of law library trustees pursuant to chapter 380 of NRS and concerning policies and procedures related to improving access by the public to the law and legal publications.

2. The district court commission on law libraries shall meet at least quarterly and shall prepare and submit an annual report to the administrative office of the courts.

3. On January 6, 2003, the:

(a) Chief judge of the second judicial district shall appoint two district judges from the second judicial district to serve terms on the district court commission on law libraries which begin on January 6, 2003, and end on January 2, 2005; and

(b) Chief judge of the eighth judicial district shall appoint six district judges from the eighth judicial district to serve terms on the district court commission on law libraries which begin on January 6, 2003, and end on January 2, 2005.

If a district judge appointed pursuant to this subsection to serve on the district court commission on law libraries ceases to be a district judge, his term as a member of the district court commission on law libraries expires on the date that he ceases to be a district judge. Such a vacancy on the district court commission on law libraries may only be filled by the person appointed to fill the vacancy on the district court and only for the remainder of the term for which he is appointed and actually serves.

4. On or after January 6, 2003, the chief judge of any other judicial district may appoint one district judge to serve on the district court commission on law libraries.

5. Each member of the district court commission on law libraries who was appointed pursuant to subsection 3 is entitled to receive a salary of \$30,000 for each year that he serves on the commission, payable in biweekly installments.”.

Amend sec. 7, page 4, by deleting lines 22 through 26 and inserting: “\$130,000.”.

Amend the bill as a whole by renumbering sections 8 and 9 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 7, to read as follows:

“Sec. 9. NRS 3.090 is hereby amended to read as follows:

3.090 1. Any judge of the district court who has served as a justice of the supreme court or judge of a district court in any one or more of those courts for a period or periods aggregating 22 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to three-fourths the sum received as a salary for his judicial services during the last year thereof, payable every 2 weeks from money provided by direct legislative appropriation.

2. Any judge of the district court who has served as a justice of the supreme court or judge of a district court in any one or more of those courts for a period or periods aggregating 5 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable every 2 weeks from money provided by direct legislative appropriation.

3. Any judge of the district court who qualifies for a pension under the provisions of subsection 2 is entitled to receive, for each year served beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable as provided in subsection 2.

4. Any judge who has retired pursuant to subsection 3 and is thereafter recalled to additional active service in the court system is entitled to receive credit toward accumulating 22 years’ service for the maximum pension based upon the time he actually spends in the additional active service.

5. Any district judge who has the years of service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A retirement benefit under this subsection must be reduced in the same manner as benefits are reduced for persons retired under the public employees’ retirement system.

6. Any person receiving a pension pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired in the public employees’ retirement system.

7. Any judge of the district court who desires to receive the benefits of this section must file with the state controller and the state treasurer an affidavit setting forth the fact that he is ending his service, the date and place of his birth, and the years he has served in any district court or the supreme court.

8. Upon such notice and filing of the affidavit, the state controller shall draw his warrant, payable to the judge who has thus ended his service, upon the state treasurer for the sum due to him, and the state treasurer shall pay the sum out of money provided by direct legislative appropriation.

9. The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any judge of the district court who may have ended his service pursuant to it.

10. *As used in this section, "salary" includes a salary received for service on a district court commission created by statute."*

Amend sec. 8, page 4, by deleting lines 37 through 39 and inserting:

"1. Except as otherwise provided in subsection 2, each senator and assemblyman is entitled to receive as compensation ~~[\$130]~~ \$175 per day for each day of service:"

Amend sec. 8, page 5, by deleting lines 1 through 11 and inserting:

"2. Each senator or assemblyman elected before November 5, 2002, or appointed to succeed a senator or assemblyman elected before November 5, 2002, is entitled to receive as compensation \$130 per day for each day of service:

(a) During any regular session, for the number of days the legislature is in session, or in adjournment for not more than 3 days, or the maximum number of days for which compensation for a regular session is permitted by the constitution, whichever is smaller; and

(b) During any special session, for the number of days the legislature is in session or the maximum number of days for which compensation for a special session is permitted by the constitution, whichever is smaller."

Amend sec. 9, page 5, by deleting lines 13 through 33 and inserting:

"218.210 ~~[1. Except as otherwise provided in subsection 2, each]~~ Each senator and assemblyman is entitled to receive as compensation \$175 per day for each day of service:

~~[(a)]~~ 1. During any regular session, for the number of days the legislature is in session, or in adjournment for not more than 3 days, or the maximum number of days for which compensation for a regular session is permitted by the constitution, whichever is smaller; and

~~[(b)]~~ 2. During any special session, for the number of days the legislature is in session or the maximum number of days for which compensation for a special session is permitted by the constitution, whichever is smaller.

~~[2. Each senator or assemblyman elected before November 5, 2002, or appointed to succeed a senator or assemblyman elected before November 5, 2002, is entitled to receive as compensation \$130 per day for each day of service:~~

~~(a) During any regular session, for the number of days the legislature is in session, or in adjournment for not more than 3 days, or the maximum number of days for which compensation for a regular session is permitted by the constitution, whichever is smaller; and~~

~~(b) During any special session, for the number of days the legislature is in session or the maximum number of days for which compensation for a special session is permitted by the constitution, whichever is smaller.]”.~~

Amend the bill as a whole by renumbering sections 10 and 11 as sections 18 and 19 and adding new sections designated sections 12 through 17, following sec. 9, to read as follows:

“Sec. 12. NRS 223.050 is hereby amended to read as follows:

223.050 Until the first Monday in January ~~[1999,]~~ 2003, the governor is entitled to receive an annual salary of ~~[\$90,000.]~~ \$117,000. From and after the first Monday in January ~~[1999,]~~ 2003, the governor is entitled to receive an annual salary of ~~[\$117,000.]~~ \$129,000.

Sec. 13. NRS 224.050 is hereby amended to read as follows:

224.050 1. Until the first Monday in January ~~[1999,]~~ 2003, the lieutenant governor is entitled to receive an annual salary of ~~[\$20,000.]~~ \$50,000. From and after the first Monday in January ~~[1999,]~~ 2003, the lieutenant governor is entitled to receive an annual salary of ~~[\$50,000.]~~ \$55,000.

2. In addition to the annual salary provided for in subsection 1, the lieutenant governor is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the session and the per diem allowance and travel expenses authorized for the members of the legislature.

3. In addition to the salary provided in subsections 1 and 2, the lieutenant governor is entitled to receive \$130 for each day on which he is actually employed as governor and the per diem allowance and travel expenses as provided for state officers and employees generally when acting as governor, or when discharging other official duties as lieutenant governor, at times when the legislature is not in session.

Sec. 14. NRS 225.050 is hereby amended to read as follows:

225.050 Until the first Monday in January ~~[1999,]~~ 2003, the secretary of state is entitled to receive an annual salary of ~~[\$62,500.]~~ \$80,000. From and after the first Monday in January ~~[1999,]~~ 2003, the secretary of state is entitled to receive an annual salary of ~~[\$80,000.]~~ \$88,000.

Sec. 15. NRS 226.090 is hereby amended to read as follows:

226.090 Until the first Monday in January ~~[1999,]~~ 2003, the state treasurer is entitled to receive an annual salary of ~~[\$62,500.]~~ \$80,000. From and after the first Monday in January ~~[1999,]~~ 2003, the state treasurer is entitled to receive an annual salary of ~~[\$80,000.]~~ \$88,000.

Sec. 16. NRS 227.060 is hereby amended to read as follows:

227.060 Until the first Monday in January ~~[1999,]~~ 2003, the state controller is entitled to receive an annual salary of ~~[\$62,500.]~~ \$80,000. From and after the first Monday in January ~~[1999,]~~ 2003, the state controller is entitled to receive an annual salary of ~~[\$80,000.]~~ \$88,000.

Sec. 17. NRS 228.070 is hereby amended to read as follows:

228.070 1. Until the first Monday in January ~~1999,~~ 2003, the attorney general is entitled to receive an annual salary of ~~[\$85,000.]~~ \$110,000. From and after the first Monday in January ~~1999,~~ 2003, the attorney general is entitled to receive an annual salary of ~~[\$110,000.]~~ \$121,000.

2. Except as otherwise provided in NRS 7.065, the attorney general shall not engage in the private practice of law.”.

Amend sec. 10, pages 6 and 7, by deleting lines 27 through 46 on page 6 and lines 1 through 17 on page 7, and inserting:

1	Clark	\$68,580	\$139,104	\$115,920				
	\$91,440	\$91,440	\$91,440	\$91,440	\$91,440			
2	Washoe	50,292	132,480	107,640	83,820	83,820		
	83,820	83,820	83,820					
3	Carson City	22,860	99,857	82,800	65,227	65,227	- - - -	
-	65,227	- - - -						
	Churchill	22,860	99,857	82,800	65,227	65,227		
	65,227	- - - -	- - - -					
	Douglas	22,860	99,857	82,800	65,227	65,227		
	65,227	- - - -	- - - -					
	Elko	22,860	99,857	82,800	65,227	65,227	65,227	
	65,227	- - - -						
	Lyon	22,860	99,857	82,800	65,227	65,227	65,227	- - - -
-	- - - -							
	Nye	22,860	99,857	82,800	65,227	65,227	65,227	65,227 - - - -
-								
	Humboldt	22,860	94,309	74,520	65,227	65,227		
	65,227	65,227	- - - -					
4	Lander	22,860	94,309	74,520	54,407	54,407		
	54,407	54,407	- - - -					
	White Pine	22,860	94,309	74,520	54,407	54,407		
	54,407	54,407	- - - -					
5	Eureka	19,355	83,214	59,616	48,768	48,768		
	48,768	- - - -	- - - -					
	Lincoln	19,355	83,214	59,616	48,768	48,768		
	48,768	48,768	- - - -					
	Mineral	19,355	83,214	59,616	48,768	48,768		
	48,768	- - - -	- - - -					
	Pershing	19,355	83,214	59,616	48,768	48,768		
	48,768	- - - -	- - - -					
	Storey	19,355	76,581	59,616	48,768	48,768	48,768	- - - -
-	- - - -							
6	Esmeralda	15,240	66,074	52,992	42,672	42,672		
	42,672	- - - -	- - - -					

3. Upon a determination by the board of county commissioners pursuant to subsection 4 to implement the increase provided in this subsection or the

denial of a waiver requested pursuant to subsection 5, the annual salaries of the elected officers of the county set forth in subsection 2 must be increased on July 1, 2002, and each July 1 thereafter by the lesser of:

(a) The average percentage by which the salaries of all employees of the county were increased during the previous fiscal year; or

(b) The percentage by which the average hourly wage in the county increased during the previous fiscal year, as determined on July 1 of each year by the employment security division of the department of employment, training and rehabilitation.

Increases in the annual salaries of the elected officers of the county required pursuant to this section are cumulative.

4. At a regular meeting held on or before July 1 of each fiscal year, the board of county commissioners shall:

(a) Implement an increase in the annual salaries of the elected officers of the county based on the calculation set forth in subsection 3, if any; or

(b) Request a waiver pursuant to subsection 5 from the requirement of implementing all or part of the increase in the salaries.

5. The board of county commissioners may apply to the committee on local government finance for a waiver from the requirement of granting all or part of an increase in the annual salaries of the elected officers of the county for the next fiscal year pursuant to subsection 3 if the board determines that the financial resources of the county are insufficient to pay the increase in the next fiscal year. The committee on local government finance shall grant such a waiver if it finds that the financial resources of the county are insufficient to pay the entire increase in the next fiscal year.”

Amend the bill as a whole by deleting sections 12 and 13, renumbering sections 14 and 15 as sections 24 and 25, and adding new sections designated sections 20 through 23, following sec. 11, to read as follows:

“Sec. 20. NRS 245.044 is hereby repealed.

Sec. 21. 1. There is hereby appropriated from the state general fund to the district judges salary account the sum of \$156,150 for the payment of the salaries of the members of the district court commission on law libraries.

2. There is hereby appropriated from the state general fund to the supreme court the sum of \$97,538 for the payment of the salaries of the members of the supreme court commission on law libraries.

3. Any remaining balance of the appropriations made by subsections 1 and 2 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 22. Notwithstanding the provisions of section 20 of this act that repeal NRS 245.044, an elected county officer who is serving a term of office on July 1, 2001, and who is eligible to receive the additional salary provided in NRS 245.044 were entitled to continue to receive credit for service for the calculation of that additional salary until the expiration of his current term and his salary must be increased accordingly as if NRS 245.044 were not

repealed by this act. For each calendar year that an elected officer serves after the expiration of the term which he is serving as of July 1, 2001, the board of county commissioners shall continue to pay the additional salary of the elected officer based on the percentage of additional salary payable to the elected officer pursuant to this section in the final year of his current term.

Sec. 23. 1. At the first regular meeting of the board of county commissioners of a county on or after the effective date of this section, the board shall determine whether to:

(a) Implement the annual salaries of the elected officers of the county set forth in subsection 2 of NRS 245.043, as amended by this act; or

(b) Request a waiver from all or part of the increases set forth in subsection 2 of NRS 245.043, as amended by this act, in the manner set forth in subsection 2.

2. The board of county commissioners of a county may apply to the committee on local government finance for a waiver from all or part of the increases set forth in subsection 2 of NRS 245.043, as amended by this act, in fiscal year 2001-2002 if the board determines that the financial resources of the county are insufficient to pay the increases set forth in that subsection in fiscal year 2001-2002. The committee on local government finance shall grant such a waiver for a period of not more than 1 year if it finds that the financial resources of the county are insufficient to pay the entire amount of the increases set forth in subsection 2 of NRS 245.043, as amended by this act, in fiscal year 2001-2002. The board of county commissioners may apply to the committee on local government finance for one or more extensions of the waiver granted to the county pursuant to this section. The committee on local government finance shall extend such a waiver for a period of not more than 1 year for each requested extension if it finds that the financial resources of the county continue to be insufficient to pay the entire amount of the increases set forth in subsection 2 of NRS 245.043, as amended by this act.”.

Amend sec. 15, page 8, by deleting lines 13 through 15 and inserting:

“Sec. 25. 1. This section and section 23 of this act become effective upon passage and approval.

2. Sections 2, 5, 8, 10, 12 to 20, inclusive, 22 and 24 of this act become effective on July 1, 2001.

3. Sections 1 and 6 of this act:

(a) Become effective on July 1, 2001; and

(b) Expire by limitation on June 30, 2005, if the constitutional amendments proposed by Assembly Joint Resolution No. 14 of this session are approved by the voters at the general election on November 2, 2004.

4. Section 21 of this act becomes effective on July 1, 2002.

5. Sections 3 and 4 of this act become effective on January 6, 2003, and expire by limitation on December 31, 2006.

6. Sections 7 and 9 of this act become effective on January 6, 2003, and expire by limitation on January 2, 2005.

7. Section 11 of this act becomes effective on November 2, 2004.”.

Amend the bill as a whole by adding the text of the repealed section, following sec. 15, to read as follows:

“

TEXT OF REPEALED SECTION

245.044 Payment for longevity for elected county officers.

1. On and after July 1, 1973, if an elected county officer has served in his office for more than 4 years, he is entitled to an additional salary of 2 percent of his base salary provided in NRS 245.043 for each full calendar year he has served in his office.

2. The additional salary provided in this section for an eligible county officer:

(a) Must be computed on July 1 of each year by multiplying 2 percent of the base salary provided in NRS 245.043 by the number of full calendar years the elected county officer has served in his office; and

(b) Must not exceed 20 percent of the base salary provided in NRS 245.043.

3. Service on the board of supervisors of Carson City for the initial term which began on July 1, 1969, and ended on the first Monday of January, 1973, shall be deemed to constitute 4 full calendar years of service for the purposes of this section.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public officers; making various changes regarding the compensation of certain public officers; creating a supreme court and a district court commission on law libraries; making appropriations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding compensation of certain public officers. (BDR 1-1435)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Gibbons, Buckley and Brower.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 572.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 572:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Senate Bill No. 572 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1232.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 and 4 as sections 1 and 2.

Amend the title of the bill to read as follows:

“AN ACT relating to public highways; directing the Department of Transportation, Clark County and the City of Las Vegas to conduct certain assessments concerning the need for the abatement of traffic noise; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Directs Department of Transportation, Clark County and City of Las Vegas to conduct certain assessments concerning need for abatement of traffic noise. (BDR S-875)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 69 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 69.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1229.

Amend sec. 5, page 3, line 14, after “state.” by inserting:

“The regulation must provide, without limitation, that if any amount in excess of \$4 per month is collected from an obligor pursuant to section 1 of this act, the division shall cause the excess amount to be credited toward any arrearages owed by the obligor or toward his current support obligation.”.

Amend sec. 7, page 3, line 18, by deleting “2001.” and inserting: “2001, and expires by limitation on June 30, 2003.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 54, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA16, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

DENNIS NOLAN

GENIE OHRENSCHALL

Assembly Conference Committee

JON C. PORTER

MAURICE E. WASHINGTON

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA16.

Amend the bill as a whole by renumbering sections 11 through 13 as sections 12 through 14 and adding a new section designated sec. 11, following sec. 10, to read as follows:

“Sec. 11. Sections 1 and 3 of Assembly Bill No. 489 of this session are hereby amended to read as follows:

Section 1. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the central repository for Nevada records of criminal history; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the department of prisons, the department of prisons shall arrange for the biological specimen to be obtained from the defendant. The department of prisons shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the department of prisons, the division shall arrange for the biological specimen to be obtained from the defendant. The division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county

pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. The provisions of subsection 1 apply to a defendant who is convicted of:

- (a) *A category A felony;*
- (b) *A category B felony;*
- (c) *A category C felony involving the use or threatened use of force or violence against the victim;*
- (d) *A crime against a child as defined in NRS 179D.210;*
- ~~[(b)] (e) A sexual offense as defined in NRS 179D.410;~~
- ~~[(c)] Murder, manslaughter or any other unlawful killing pursuant to NRS 200.010 to 200.260, inclusive;~~
- ~~(d) Mayhem pursuant to NRS 200.280;~~
- ~~(e) Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390;~~
- ~~(f) Battery with intent to commit a crime pursuant to NRS 200.400;~~
- ~~(g) Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm pursuant to NRS 200.481;~~
- ~~[(h)] (f) Abuse or neglect of an older person pursuant to NRS 200.5099;~~
- ~~[(i)] (g) A second or subsequent offense for stalking pursuant to NRS 200.575;~~
- ~~[(j)] Burglary pursuant to NRS 205.060;~~
- ~~[(k)] Invasion of the home pursuant to NRS 205.067;~~
- ~~(l) Kidnapping pursuant to NRS 200.310 to 200.340, inclusive; or~~
- ~~[(m)] or~~
- (h) An attempt or conspiracy to commit an offense listed in this subsection.

Sec. 3. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

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

- (a) Collect and maintain records, reports and compilations of statistical data required by the department; and
- (b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of ~~[a criminal offense,]~~ *an offense listed in subsection 4 of NRS 176.0913*, to the division in the

manner prescribed by the director of the department. The information must be submitted to the division:

- (a) Through an electronic network;
- (b) On a medium of magnetic storage; or
- (c) In the manner prescribed by the director of the department,

within the period prescribed by the director of the department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall, in the manner prescribed by the director of the department:

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

- (1) Sexual offenses and other records of criminal history; and
- (2) The genetic markers of a biological specimen of a person who is convicted of ~~[a criminal offense.]~~ *an offense listed in subsection 4 of NRS 176.0913.*

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

(c) Upon request, provide the information that is contained in the central repository to the state disaster identification team of the division of emergency management of the department.

5. The division may:

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

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

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

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

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

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

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

6. The central repository shall:

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

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

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

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

(1) Has applied to the superintendent of public instruction for a license;

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

(3) Is employed by a county school district,

and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:

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

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation, who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.

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

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

(h) On or before July 1 of each year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, or the legislative commission when the legislature is not in regular session, a report containing statistical data about domestic violence in this state.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency

identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The central repository may:

(a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the division of emergency management of the department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the central repository.

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) “Advisory committee” means the committee established by the director of the department pursuant to NRS 179A.078.

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

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

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

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 54.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:02 p.m.

ASSEMBLY IN SESSION

At 8:39 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 21; Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 148, 458, 518.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 453, Amendment No. 1197, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 664, Amendment No. 1221, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 271, Senate Amendment No. 694, and requests a conference, and appointed Senators Amodei, Townsend and Mathews as a first Conference Committee to meet with a like committee of the Assembly.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 148.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 458.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 518.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 666.

The following Senate amendment was read:

Amendment No. 1171.

Amend the bill as a whole by deleting section 1 and inserting:

“Section 1. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section designated sec. 43.5, following sec. 43, to read as follows:

“Sec. 43.5. Assembly Bill No. 574 of this session is hereby amended by adding thereto a new section to read as follows:

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on October 1, 2001.”.

Amend the bill as a whole by adding a new section designated sec. 49.5, following sec. 49, to read as follows:

“Sec. 49.5. Section 11 of Senate Bill No. 424 of this session is hereby amended to read as follows:

Sec. 11. NRS 444.635 is hereby amended to read as follows:

444.635 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person convicted of violating NRS 444.555 and, in addition to the penalty imposed ~~[in]~~ pursuant to NRS 444.583 or 444.630, any person convicted of violating NRS 444.583 or 444.630 is liable for a civil penalty ~~[t]~~ upon each such conviction.

2. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a court before whom a defendant is convicted of a violation of *the provisions of* NRS 444.555, 444.583 or 444.630, shall order the defendant ~~[to pay a civil penalty which is at least \$250 but not more than \$2,000.]~~ :

(a) *For a first offense, to pay a civil penalty which is at least \$500 but not more than \$5,000.*

(b) *For a second offense, to pay a civil penalty which is at least \$1,000 but not more than \$5,500.*

(c) *For a third offense, to pay a civil penalty which is at least \$1,500 but not more than \$6,000.*

(d) *For any subsequent offense, to pay a civil penalty which is at least \$500 more than the most recent previous civil penalty that the defendant was ordered to pay pursuant to this subsection.*

3. If so provided by the court, ~~[the]~~ a penalty imposed pursuant to this section may be paid in installments.

~~[3.— The health authority or division of environmental protection of the state department of conservation and natural resources]~~

4. *The solid waste management authority may attempt to collect all such penalties and installments which are in default in any manner provided by law for the enforcement of a judgment.*

~~[4.]~~ 5. Each court which receives money ~~[under]~~ pursuant to the provisions of this section shall forthwith remit the money to the division of environmental protection *of the state department of conservation and natural resources* or, if the health authority initiated the action, the district health department which shall deposit the money with the state treasurer for credit in a separate account in the state general fund or with the county treasurer for deposit in an account for the district health department, as the case may be. Money so deposited must be ~~[used]~~ :

(a) *Used only to pay ~~[rewards]~~ :*

(1) *Rewards pursuant to NRS 444.640 ~~[or for]~~ ;*

(2) *For education regarding the unlawful disposal of solid waste;*

(3) *For the cleaning up of dump sites; and*

(4) *For the management of solid waste ; and ~~[paid]~~*

(b) *Paid as other claims against the state or local governments are paid.”.*

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 666.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 246, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

KATHY MCCLAIN
JERRY D. CLABORN
DENNIS NOLAN

Assembly Conference Committee

MAGGIE CARLTON
LAWRENCE E. JACOBSEN
Senate Conference Committee

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 246.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 370, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA21, which is attached to and hereby made a part of this report.

SHEILA LESLIE
JOHN C. CARPENTER
BERNIE ANDERSON
Assembly Conference Committee

JON C. PORTER
MARK AMODEI
VALERIE WIENER
Senate Conference Committee

Conference Amendment No. CA21.

Amend sec. 17, page 6, line 36, by deleting “and” and inserting “or”.

Amend sec. 17, page 6, by deleting lines 38 and 39 and inserting:
“against harassment in the workplace.”.

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 370.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 162, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA12, which is attached to and hereby made a part of this report.

MARK A. MANENDO
JOHN C. CARPENTER
JERRY D. CLABORN
Assembly Conference Committee

MIKE MCGINNESS
MAURICE E. WASHINGTON
TERRY CARE
Senate Conference Committee

Conference Amendment No. CA12.

Amend section 1, page 1, line 2, by deleting "A" and inserting: "[A]

1. *Except as otherwise provided in subsection 2, a*".

Amend section 1, page 1, line 4, by deleting "1." and inserting "[1.] (a)".

Amend section 1, page 1, line 6, by deleting "2." and inserting "[2.] (b)".

Amend section 1, page 1, line 11, by deleting "3." and inserting "[3.] (c)".

Amend section 1, page 2, line 3, by deleting "4." and inserting "[4.] (d)".

Amend section 1, page 2, line 7, by deleting "5." and inserting "[5.] (e)".

Amend section 1, page 2, line 9, by deleting "6." and inserting "[6.] (f)".

Amend section 1, page 2, line 14, by deleting "7." and inserting "[7.] (g)".

Amend section 1, page 2, line 16, by deleting "8." and inserting "[8.] (h)".

Amend section 1, page 2, line 17, by deleting "9." and inserting "[9.] (i)".

Amend section 1, page 2, line 19, by deleting "10." and inserting "(j)".

Amend section 1, page 2, between lines 21 and 22, by inserting:

"2. *A person who commits an act that is prohibited by subsection 1 which involves the repair of a vehicle has not committed theft unless, before the repair was made, he received a written estimate of the cost of the repair.*"

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 205.466 is hereby amended to read as follows:

205.466 1. A district attorney may create within his office a program for restitution for persons referred to the district attorney by a law enforcement officer who has probable cause to believe the person violated *paragraph (i) of subsection [9] 1 of NRS 205.0832 [] or NRS 205.130 or 205.380*. The program may be conducted by the district attorney in conjunction with the county sheriff, police department or any other law enforcement agency in whose jurisdiction a violation of *paragraph (i) of subsection [9] 1 of NRS 205.0832 [] or NRS 205.130 or 205.380* has occurred, or by a private entity under contract with the district attorney.

2. The district attorney may adopt standards for the law enforcement agency which indicate the minimum requirements of investigation by the agency for its referral of a person to the district attorney for acceptance in the program.

3. If such a person is referred to the district attorney, the district attorney shall determine if the person is appropriate for acceptance in the program. The district attorney may consider:

- (a) The amount of the check or draft drawn or passed without sufficient money or credit to pay it in full;
- (b) The prior criminal record of the person;
- (c) Prior referrals of the person to the program;
- (d) The number of times the person has violated *paragraph (i) of subsection [9] 1 of NRS 205.0832 [7] or NRS 205.130 or 205.380;*
- (e) Whether other allegations of drawing or passing checks or drafts without sufficient money or credit to pay them in full are pending against the person; and
- (f) The strength of the evidence, if any, of the person's intent to defraud the alleged victim.

4. Except as otherwise provided in NRS 205.469, this section does not limit the authority of the district attorney to prosecute violations of *paragraph (i) of subsection [9] 1 of NRS 205.0832 [7] or NRS 205.130 or 205.380."*

Amend the title of the bill, third line, after "services" by inserting: "under certain circumstances".

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 162.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Goldwater, Anderson and Brown as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 653.

Mr. Speaker appointed Assemblymen Anderson, Carpenter and Manendo as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 133.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Joint Resolution No. 14 and Assembly Bills Nos. 69 and 424 be placed on the General File.

Motion carried.

Assemblyman Parks moved that all rules be suspended and that Assembly Bill No. 606 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblywomen Giunchigliani and Von Tobel.

Roll call on Assembly Joint Resolution No. 14:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 69 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblymen McClain and Manendo.

Roll call on Assembly Bill No. 424:

YEAS—40.

NAYS—None.

EXCUSED—Freeman, Humke—2.

Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 606 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:56 p.m.

ASSEMBLY IN SESSION

At 8:57 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 500, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA15, which is attached to and hereby made a part of this report.

BERNIE ANDERSON
GREG BROWER
WENDELL P. WILLIAMS
Assembly Conference Committee

MAURICE E. WASHINGTON
MIKE MCGINNESS
VALERIE WIENER
Senate Conference Committee

Conference Amendment No. CA15.

Amend sec. 2, page 2, by deleting lines 3 through 5 and inserting: “regarding each traffic stop. The information required”.

Amend sec. 2, page 2, line 11, by deleting “ethnicity and” and inserting “ethnicity,”.

Amend sec. 2, page 2, by deleting line 12 and inserting “approximate age.”.

Amend sec. 2, page 2, line 18, after “(d)” by inserting: “The number of persons who were in the motor vehicle when it was stopped.

(e)”.

Amend sec. 2, page 2, line 22, by deleting “(e)” and inserting “(f)”.

Amend sec. 2, page 2, line 25, by deleting “(f)” and inserting “(g)”.

Amend sec. 2, page 2, line 27, by deleting “(g)” and inserting “(h)”.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 500.

Remarks by Assemblyman Anderson.

Motion carried by a two-third’s majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 466, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA17, which is attached to and hereby made a part of this report.

BERNIE ANDERSON
DENNIS NOLAN
SHEILA LESLIE
Assembly Conference Committee

MARK A. JAMES
MIKE MCGINNESS
VALERIE WIENER
Senate Conference Committee

Conference Amendment No. CA17.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 36, following the enacting clause, to read as follows:

“Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. “Interactive gaming” means the conduct of gambling games through the use of communications technology that allows a person, utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other instrumentality, to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other

similar information. The term does not include the operation of a race book or sports pool that uses communications technology approved by the board pursuant to regulations adopted by the commission to accept wagers originating within this state for races or sporting events.

2. As used in this section, “communications technology” means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wire, cable, radio, microwave, light, optics or computer data networks, including, without limitation, the Internet and intranets.

Sec. 3. 1. Except as otherwise provided in subsections 2 and 3, the commission may, with the advice and assistance of the board, adopt regulations governing the licensing and operation of interactive gaming.

2. The commission may not adopt regulations governing the licensing and operation of interactive gaming until the commission first determines that:

(a) Interactive gaming can be operated in compliance with all applicable laws;

(b) Interactive gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from jurisdictions where it is lawful to make such communications; and

(c) Such regulations are consistent with the public policy of the state to foster the stability and success of gaming.

3. The regulations adopted by the commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems; and

(3) A license for a manufacturer of equipment associated with interactive gaming.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware; and

(2) A person may be required by the commission to hold a license for a manufacturer of equipment associated with interactive gaming.

(c) Set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems or manufacturer of equipment associated with interactive gaming that are as stringent as the standards for a nonrestricted license.

(d) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment.

(e) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(f) Define “equipment associated with interactive gaming,” “interactive gaming system,” “manufacturer of equipment associated with interactive gaming,” “manufacturer of interactive gaming systems,” “operate interactive gaming” and “proprietary hardware and software” as the terms are used in this chapter.

4. Except as otherwise provided in subsection 5, the commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 400,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is more than 40,000 but less than 400,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

5. The commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 4; and

(2) The affiliate is located in the same county as the establishment; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

6. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the commission pursuant to this section.

7. A person who violates subsection 6 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than \$50,000, or both.

Sec. 4. A debt incurred by a patron for play at an interactive gaming system of an establishment licensed to operate interactive gaming is valid and may be enforced by legal process.

Sec. 5. 1. Upon the recommendation of the board, the commission may require:

(a) A manufacturer of equipment associated with interactive gaming who sells, transfers or offers equipment associated with interactive gaming for use or play in this state to file an application for a license to be a manufacturer of equipment associated with interactive gaming.

(b) A person who directly or indirectly involves himself in the sale, transfer or offering for use or play in this state of equipment associated with interactive gaming who is not otherwise required to be licensed as a manufacturer or distributor pursuant to this chapter to file an application for a license to be a manufacturer of equipment associated with interactive gaming.

2. If a person fails to submit an application for a license to be a manufacturer of equipment associated with interactive gaming within 30 days after a demand by the commission pursuant to this section, the commission may pursue any remedy or combination of remedies provided in this chapter.

Sec. 6. 1. Before issuing an initial license for an establishment to operate interactive gaming, the commission shall charge and collect from the establishment a license fee of \$500,000.

2. Each initial license for an establishment to operate interactive gaming must be issued for a 2-year period beginning on January 1 of the first year and ending on December 31 of the second year.

3. Notwithstanding the provisions of subsections 1 and 2 to the contrary, a license for an establishment to operate interactive gaming may be issued after January 1 of a calendar year for a period beginning on the date of

issuance of the license and ending on the second December 31 following the date of issuance of the license. Before issuing an initial license pursuant to this subsection, the commission shall charge and collect from the establishment a license fee of \$500,000 prorated by 1/24 for each full month between January 1 of the calendar year and the date of issuance of the license.

4. Before renewing a license issued pursuant to this section, but in no case later than the second December 31 after the license was issued or previously renewed, the commission shall charge and collect a renewal fee of \$250,000 for the renewal of the license for the immediately following 1-year period.

Sec. 7. The operation of interactive gaming is exempt from the fees and taxes imposed pursuant to NRS 463.375, 463.380, 463.383 and 463.385.

Sec. 8. 1. Before issuing a license for a manufacturer of interactive gaming systems or manufacturer of equipment associated with interactive gaming, the commission shall charge and collect a license fee of:

(a) One hundred and twenty-five thousand dollars for a license for a manufacturer of interactive gaming systems; or

(b) Fifty thousand dollars for a license for a manufacturer of equipment associated with interactive gaming.

2. Each license issued pursuant to this section must be issued for a 1-year period that begins on the date the license is issued.

3. Before renewing a license issued pursuant to this section, but in no case later than 1 year after the license was issued or previously renewed, the commission shall charge and collect a renewal fee for the renewal of the license for the immediately following 1-year period. The renewal fee for a license for a manufacturer of interactive gaming systems or manufacturer of equipment associated with interactive gaming is \$25,000.

Sec. 9. 1. All gross revenue from operating interactive gaming received by an establishment licensed to operate interactive gaming, regardless of whether any portion of the revenue is shared with another person, must be attributed to the licensee and counted as part of the gross revenue of the licensee for the purpose of computing the license fee required by NRS 463.370.

2. A manufacturer of interactive gaming systems who is authorized by an agreement to receive a share of the revenue from an interactive gaming system from an establishment licensed to operate interactive gaming is liable to the establishment for a portion of the license fee paid pursuant to subsection 1. The portion for which the manufacturer of interactive gaming systems is liable is 6.25 percent of the amount of revenue to which the manufacturer of interactive gaming systems is entitled pursuant to the agreement.

3. For the purposes of subsection 2, the amount of revenue to which the manufacturer of interactive gaming systems is entitled pursuant to an agreement to share the revenue from an interactive gaming system:

(a) Includes all revenue of the manufacturer of interactive gaming systems that is his share of the revenue from the interactive gaming system pursuant to the agreement; and

(b) Does not include revenue that is the fixed purchase price for the sale of a component of the interactive gaming system.

Sec. 10. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.0197, inclusive, and section 2 of this act, have the meanings ascribed to them in those sections.

Sec. 11. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxmen;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing;

(i) Employees of manufacturers or distributors of gaming equipment within this state whose duties are directly involved with the manufacture, repair or distribution of gaming devices , [or] cashless wagering systems [;] , interactive gaming systems or equipment associated with interactive gaming;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Floormen;

(m) Hosts or other persons empowered to extend credit or complimentary services;

(n) Keno runners;

(o) Keno writers;

(p) Machine mechanics;

(q) Odds makers and line setters;

- (r) Security personnel;
- (s) Shift or pit bosses;
- (t) Skills;
- (u) Supervisors or managers;
- (v) Ticket writers; and
- (w) Employees of a person required by NRS 463.160 to be licensed to operate an information service.

2. "Gaming employee" does not include bartenders, cocktail waitresses or other persons engaged exclusively in preparing or serving food or beverages.

Sec. 12. NRS 463.0172 is hereby amended to read as follows:

463.0172 "Manufacturer" means a person who:

1. Manufactures, assembles, programs or makes modifications to a gaming device , [or] cashless wagering system [;] or interactive gaming system; or

2. Designs, assumes responsibility for the design of, controls the design or assembly of, or maintains a copyright over the design of , a mechanism, electronic circuit or computer program which cannot be reasonably demonstrated to have any application other than in a gaming device , [or in a] cashless wagering system [,] or interactive gaming system for use or play in this state or for distribution outside of this state.

Sec. 13. NRS 463.0197 is hereby amended to read as follows:

463.0197 "Work permit" means any card, certificate or permit issued by the board or by a county or city licensing authority, whether denominated as a work permit, registration card or otherwise, authorizing the holder to be employed as a gaming employee in this state or to serve as an independent agent. A document issued by any governmental authority for any employment other than gaming is not a valid work permit for the purposes of this chapter.

Sec. 14. NRS 463.200 is hereby amended to read as follows:

463.200 1. Application for a state gaming license or other commission action [shall] must be made to the board on forms furnished by the board and in accordance with the regulations of the commission.

2. The application for a license [shall] must include:

- (a) The name of the proposed licensee.
- (b) The location of his place or places of business.
- (c) The gambling games, gaming device or slot machines to be operated.
- (d) The names of all persons directly or indirectly interested in the business and the nature of such interest.
- (e) Such other information and details as the board may require in order to discharge its duty properly.

3. If the application is for a restricted license on premises not owned by the applicant, the application must include a sworn and notarized statement from the owner or lessor of the premises indicating whether the consideration

paid by the applicant for the use of the premises has been or will be increased because of the operation of gaming on the premises.

4. The board shall furnish to the applicant supplemental forms, which the applicant shall complete and file with the application. Such supplemental forms [shall] must require, but [shall] must not be limited to, complete information and details with respect to the applicant's antecedents, habits, character, criminal record, business activities, financial affairs and business associates, covering at least a 10-year period immediately preceding the date of filing of the application.

Sec. 15. NRS 463.245 is hereby amended to read as follows:

463.245 1. Except as otherwise provided in [subsections 2, 3 and 4] this section:

(a) All licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports pool or race book, which authorize gaming at the same establishment must be merged into a single gaming license.

(b) A gaming license may not be issued to any person if the issuance would result in more than one licensed operation at a single establishment, whether or not the profits or revenue from gaming are shared between the licensed operations.

2. A person who has been issued a nonrestricted gaming license may establish a sports pool or race book on the premises of the establishment at which he conducts a nonrestricted gaming operation only after obtaining permission from the commission.

3. A person who has been issued a license to operate a sports pool or race book at an establishment may be issued a license to operate a sports pool or race book at another establishment if the second establishment is operated by a person who has been issued a nonrestricted license.

4. Nothing in this section limits or prohibits an operator of an inter-casino linked system from placing and operating such a system on the premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games in accordance with the provisions of this chapter and the regulations adopted by the commission. An inter-casino linked system must not be used to link games other than slot machines, unless such games are located at an establishment that is licensed for games other than slot machines.

5. The provisions of this section do not apply to a license to operate interactive gaming.

Sec. 16. NRS 463.335 is hereby amended to read as follows:

463.335 1. The legislature finds that, to protect and promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees and independent agents in the State of Nevada; and

(b) Maintain confidential records of such information.

2. Except as otherwise provided in [subsections 3 and 4,] subsection 3, a person may not be employed as a gaming employee or serve as an independent agent unless he is the holder of [:

(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in which his duties are performed and the provisions of this chapter; or

(b) A valid work permit issued by the board, if a work permit is not required by either the county or the city.] a valid work permit to work as a gaming employee issued pursuant to this section. A work permit to work as a gaming employee may be issued by the board or by a county or city licensing authority. An applicant for a work permit shall file his application for a work permit with the licensing authority of the city in which he resides if that city requires a work permit. If the city in which he resides does not require such a permit, the applicant shall file his application with the licensing authority of the county in which he resides if that county requires a work permit. If the county in which he resides does not require such a permit, the applicant shall file his application with the board. The board shall, by regulation, prescribe the form for an application for a work permit to work as a gaming employee. The fee for such a permit may be charged only to cover the actual investigative and administrative costs related to processing an application for such a permit and must not exceed \$75.

3. An independent agent is not required to hold a work permit if he is not a resident of this state and has registered with the board in accordance with the provisions of the regulations adopted by the commission.

4. [A person may be employed as a gaming employee for an operator of a slot machine route and perform duties for his employer in more than one county or city without obtaining a valid work permit for each county or city in which he performs those duties if the person holds:

(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in which his duties are primarily performed and the provisions of this chapter; or

(b) A valid work permit issued by the board, if a work permit is not required by either the county or the city in which his duties are primarily performed.

5. A gaming employee described in subsection 4 shall notify the licensing authority of each city and county in which he performs duties for his employer, other than the licensing authority that issued his valid work permit, that he has obtained a valid work permit pursuant to subsection 4.

6.] Upon receipt of an application for a work permit to work as a gaming employee, the board or licensing authority shall conduct an investigation of the applicant to determine whether he is eligible for the permit. In conducting

the investigation, the board or licensing authority shall forward a complete set of the applicant's fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for a report concerning the criminal history of the applicant. The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant.

5. A work permit issued to a gaming employee or an independent agent must have clearly imprinted thereon a statement that it is valid for gaming purposes only.

6. Unless denied or objected to by the board at the time that the permittee filed a notice of a change in his place of employment pursuant to subsection 8 and unless suspended or revoked, such a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of this section, his date of birth shall be deemed to be on February 28.

7. Whenever any person applies to a county or city licensing authority for the issuance or renewal of a work permit, the county or city officer or employee to whom the application is made shall within 24 hours mail or deliver a copy thereof to the board, and may at the discretion of the county or city licensing authority issue a temporary work permit [...] that is valid for 120 days. If within [90] 120 days after receipt by the board of the copy of the application, the board has not notified the county or city licensing authority of any objection, the authority may issue, renew or deny a permanent work permit to the applicant.

8. A gaming employee who is issued a work permit [must obtain renewal of the permit from the issuing agency within 10 days following any change of his place of employment. An independent agent who is issued a work permit must obtain renewal of the permit from the issuing agency within 10 days after executing an agreement to serve as an independent agent within the jurisdiction of the issuing agency.

—8.] is eligible for employment in any licensed gaming establishment in this state until the work permit is denied or objected to by the board, expires or is revoked. However, each such employee shall notify the board within 10 days following any change of his place of employment at a gaming establishment. Such a notification shall be deemed an application for a work permit that the board may deny or object to after conducting any investigations the board deems appropriate. The provisions of subsections 9 to 16, inclusive, apply to any such objection of the board. The commission shall adopt regulations to:

(a) Facilitate uniform procedures for the issuance of work permits by counties and cities;

(b) Establish uniform criteria for denial by a county or city licensing authority of an application for a work permit; and

(c) Provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who possesses a valid work permit.

9. If the board, within the [90-day] 120-day period, notifies:

- (a) The county or city licensing authority; and
- (b) The applicant,

that the board objects to the granting of a work permit to the applicant, the authority shall deny the work permit and shall immediately revoke and repossess any temporary work permit which it may have issued. The notice of objection by the board which is sent to the applicant must include a statement of the facts upon which the board relied in making its objection.

[9. Application for a work permit may be made to the board, and may be granted or denied for any cause deemed reasonable by the board.]

10. Whenever an application for a work permit is made to the board and the board denies such an application, it shall include in its notice of the denial a statement of the facts upon which it relied in denying the application. [Except for a permit issued to a person pursuant to subsection 4, a permit issued by the board is valid only in a county or city that does not require a work permit.

10.] 11. Any person whose application for a work permit has been denied because of an objection by the board or whose application has been denied by the board may, not later than 60 days after receiving notice of the denial or objection, apply to the board for a hearing. A failure of a person whose application has been denied to apply for a hearing within 60 days or his failure to appear at a hearing of the board conducted pursuant to this section shall be deemed to be an admission that the denial or objection is well founded, and the failure precludes administrative or judicial review. At the hearing, the board shall take any testimony deemed necessary. After the hearing the board shall review the testimony taken and any other evidence, and shall within 45 days after the date of the hearing mail to the applicant its decision sustaining or reversing the denial of the work permit or the objection to the issuance of a work permit.

[11.] 12. The board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the board. The board may object or refuse if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the board with respect to any material fact contained in the application for the issuance or renewal of a work permit;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this state concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state;

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit.

If the board issues or does not object to the issuance of a work permit to an applicant , [who has been convicted of a crime which is a felony, gross misdemeanor or misdemeanor,] it may specially limit the period for which the permit is valid, limit the job classifications for which the holder of the permit may be employed and establish such individual conditions for the issuance, renewal and effectiveness of the permit as the board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances.

[12.] 13. Any applicant aggrieved by the decision of the board may, within 15 days after the announcement of the decision, apply in writing to the commission for review of the decision. Review is limited to the record of the proceedings before the board. The commission may sustain, modify or reverse the board's decision. The decision of the commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

[13.] 14. Except as otherwise provided in this subsection, all records acquired or compiled by the board or commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the welfare division of the department of human resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the board shall disclose to the division his social security number, residential address and ~~current~~ employer as that information is listed in the files and records of the board. Any record of the board or commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

[14. A work permit expires unless renewed in accordance with subsection 7, or if the holder thereof is not employed as a gaming employee or does not serve as an independent agent within the jurisdiction of the issuing authority for more than 90 days.]

15. The chairman of the board may designate a member of the board or the board may appoint a hearing examiner and authorize that person to perform on behalf of the board any of the following functions required of the board by this section concerning work permits:

- (a) Conducting a hearing and taking testimony;
- (b) Reviewing the testimony and evidence presented at the hearing;
- (c) Making a recommendation to the board based upon the testimony and evidence or rendering a decision on behalf of the board to sustain or reverse the denial of a work permit or the objection to the issuance or renewal of a work permit; and
- (d) Notifying the applicant of the decision.

16. Notice by the board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit, or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

Sec. 17. NRS 463.3557 is hereby amended to read as follows:
463.3557 [An]

1. Except as otherwise provided in subsection 2, an electronic transfer of money from a financial institution directly to a game or gaming device may not be made with a credit card.

2. The provisions of subsection 1 do not apply to an interactive gaming system.

Sec. 18. NRS 463.361 is hereby amended to read as follows:

463.361 1. Except as otherwise provided in section 4 of this act and NRS 463.361 to 463.366, inclusive, gaming debts that are not evidenced by a credit instrument are void and unenforceable and do not give rise to any administrative or civil cause of action.

2. A claim by a patron of a licensee for payment of a gaming debt that is not evidenced by a credit instrument may be resolved in accordance with NRS 463.362 to 463.366, inclusive:

- (a) By the board; or
- (b) If the claim is for less than \$500, by a hearing examiner designated by the board.

Sec. 19. NRS 463.370 is hereby amended to read as follows:

463.370 1. Except as otherwise provided in NRS 463.373, the commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

(a) Three percent of all the gross revenue of the licensee which does not exceed \$50,000 per calendar month;

(b) Four percent of all the gross revenue of the licensee which exceeds \$50,000 per calendar month and does not exceed \$134,000 per calendar month; and

(c) Six and one-quarter percent of all the gross revenue of the licensee which exceeds \$134,000 per calendar month.

2. Unless the licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 24th day of the following month. Except for the fee based on the first full month of operation, the fee is an estimated payment of the license fee for the third month following the month whose gross revenue is used as its basis.

3. When a licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 24th day of the following calendar month of operation. After the first full calendar month of operation, the commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 24th day of the following calendar month. The payment of the fee due for the first full calendar month of operation must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount is an estimated payment of the license fees for the next 3 calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2. Any deposit held by the commission on July 1, 1969, must be treated as an advance estimated payment.

4. All revenue received from any game or gaming device which is operated on the premises of a licensee, regardless of whether any portion of the revenue is shared with any other person, must be attributed to the licensee for the purposes of this section and counted as part of the gross revenue of the licensee. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any game, gaming device or inter-casino linked system that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the 24th day of each calendar month. The proportionate share of an operator of an inter-casino linked system must be based on all compensation and other consideration received by the operator of the inter-casino linked system, including, without limitation, amounts that accrue to the meter of the primary progressive jackpot of the inter-casino linked system and amounts that fund the reserves of such a jackpot, subject to all appropriate adjustments for deductions, credits, offsets and exclusions that the licensee is entitled to take or receive pursuant to the provisions of this

chapter. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any game, gaming device or inter-casino linked system that is operated on the premises of the licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

5. An operator of an inter-casino linked system shall not enter into any agreement or arrangement with a licensee that provides for the operator of the inter-casino linked system to be liable to the licensee for less than its full proportionate share of the license fees paid by the licensee pursuant to this section, whether accomplished through a rebate, refund, charge-back or otherwise.

6. Any person required to pay a fee pursuant to this section shall file with the commission, on or before the 24th day of each calendar month, a report showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:

(a) The fee due based on the revenue of the month covered by the report; and

(b) An adjustment for the difference between the estimated fee previously paid for the month covered by the report, if any, and the fee due for the actual gross revenue earned in that month. If the adjustment is less than zero, a credit must be applied to the estimated fee due with that report.

7. If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid, the commission shall:

(a) Charge and collect the additional license fees determined to be due, with interest thereon until paid; or

(b) Refund any overpayment to the person entitled thereto pursuant to this chapter, with interest thereon.

Interest pursuant to paragraph (a) must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following [either] the due date of the additional license fees [or the date of overpayment] until paid. Interest pursuant to paragraph (b) must be computed at one-half the rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.

8. Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the estimated payment of fees has been made, as established in subsection 2.

9. Except as otherwise provided in NRS 463.386, the amount of the fee prescribed in subsection 1 must not be prorated.

10. Except as otherwise provided in NRS 463.386, if a licensee ceases operation, the commission shall:

(a) Charge and collect the additional license fees determined to be due with interest [;] computed pursuant to paragraph (a) of subsection 7; or

(b) Refund any overpayment [, with interest thereon,] to the licensee [,] with interest computed pursuant to paragraph (b) of subsection 7,

based upon the gross revenue of the licensee during the last 3 months immediately preceding the cessation of operation, or portions of those last 3 months.

11. If in any month, the amount of gross revenue is less than zero, the licensee may offset the loss against gross revenue in succeeding months until the loss has been fully offset.

12. If in any month, the amount of the license fee due is less than zero, the licensee is entitled to receive a credit against any license fees due in succeeding months until the credit has been fully offset.

Sec. 20. NRS 463.387 is hereby amended to read as follows:

463.387 1. State gaming license fees or taxes paid in excess of the amount required to be reported and paid may be refunded, upon the approval of the commission, as other claims against the state are paid.

2. Within 90 days after the mailing of the notice of the commission's action upon a claim for refund filed pursuant to this chapter, the claimant may bring an action against the commission on the grounds set forth in the claim in any court of competent jurisdiction for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

3. Failure to bring an action within the time specified in subsection 2 constitutes a waiver of any demand against the state on account of alleged overpayments.

4. Within 20 days after the mailing of the notice of the commission's action upon a claim for refund filed pursuant to this chapter, the claimant may file a motion for rehearing with the commission. The commission must take action on the motion for rehearing within 50 days after it has been filed with the commission. If the motion for rehearing is granted, the commission's earlier action upon the claim for refund is rescinded and the 90-day period specified in subsection 2 does not begin until the commission mails notice of its action upon the claim following the rehearing.

5. If the commission fails to mail its notice of action on a claim within 6 months after the claim is filed or reheard, the claimant may consider the claim disallowed and bring an action against the commission on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

6. In any case where a refund is granted, interest must be allowed at one-half the rate prescribed in NRS 17.130 upon the amount found to have been erroneously paid from the first day of the first month following the date of overpayment until paid. The commission may in its discretion deny or limit the payment of interest if it finds that the claimant has failed to file a claim for a refund within 90 days after receiving written notification of overpayment from the board or has impeded the board's ability to process the claim in a timely manner.

7. Notwithstanding the provisions of NRS 353.115, any claim for refund of state gaming license fees or taxes paid in excess of the amount required to

be reported and paid [,] must be filed with the commission within 5 years after the date of overpayment and not thereafter.

8. The provisions of this chapter must not be construed to permit the proration of state gaming taxes or license fees for purposes of a refund.

Sec. 21. NRS 463.400 is hereby amended to read as follows:

463.400 Any person who willfully fails to report, pay or truthfully account for and pay over the license fees imposed by NRS 463.370, 463.373 to 463.3855, inclusive, and sections 6 to 9, inclusive, of this act, 463.390 and 463.450, or willfully attempts in any manner to evade or defeat any such tax or payment thereof, or any licensee who puts additional games into play without authority of the commission to do so or any licensee who fails to remit any license fee provided for by this chapter when due is in addition to the amount due liable for a penalty of the amount of the license fee evaded or not paid, collected or paid over. The penalty must be assessed and collected in the same manner as are other charges, license fees and penalties under this chapter.

Sec. 22. NRS 463.403 is hereby amended to read as follows:

463.403 1. Every person required to pay the tax imposed by NRS 463.401 shall file with the commission, on or before the 24th day of each month, a report showing the amount of all taxable receipts for the preceding month.

2. Each report must be accompanied by the amount of tax which is due for the month covered by the report.

3. If the amount of tax required to be reported and paid pursuant to NRS 463.401 is later determined to be greater or less than the amount actually reported and paid, the commission shall:

(a) Charge and collect the additional tax determined to be due, with interest thereon until paid; or

(b) Refund any overpayment to the person entitled thereto pursuant to this chapter, with interest thereon.

Interest [is] pursuant to paragraph (a) must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following [either] the due date of the additional tax [or the date of overpayment] until paid. Interest pursuant to paragraph (b) must be computed at one-half the rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.

Sec. 23. NRS 463.450 is hereby amended to read as follows:

463.450 1. Any disseminator of such information obtaining a license under NRS 463.430 to 463.480, inclusive, shall pay to the commission a fee of 4.25 percent of the total fees collected from users each calendar month for the dissemination of live broadcasts.

2. The commission shall collect the fee on or before the last day of each calendar month for the preceding calendar month.

3. If the amount of the fee required by this section to be reported and paid is determined to be different than the amount reported or paid by the licensee, the commission shall:

(a) Charge and collect any additional fee determined to be due, with interest thereon until paid; or

(b) Refund any overpaid fees to the person entitled thereto pursuant to this chapter, with interest thereon.

Interest [is] pursuant to paragraph (a) must be computed at the rate prescribed in NRS 17.130 from the first day of the first calendar month following [either] the due date of the additional license fees [or the date of overpayment] until paid. Interest pursuant to paragraph (b) must be computed at one-half the rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.

4. The commission shall remit all fees collected, less any fees refunded pursuant to subsection 3, to the state treasurer for deposit to the credit of the state general fund.

Sec. 24. NRS 463.482 is hereby amended to read as follows:

463.482 As used in NRS 463.160 to 463.170, inclusive, and section 3 of this act, 463.368, 463.386 and 463.482 to 463.645, inclusive, unless the context otherwise requires, the words and terms defined in NRS 463.4825 to 463.488, inclusive, have the meanings ascribed to them in those sections.

Sec. 25. NRS 463.643 is hereby amended to read as follows:

463.643 1. Each person who acquires, directly or indirectly, beneficial ownership of any voting security in a publicly traded corporation which is registered with the commission may be required to be found suitable if the commission has reason to believe that his acquisition of [such] that ownership would otherwise be inconsistent with the declared policy of this state.

2. Each person who acquires, directly or indirectly, beneficial ownership of any debt security in a publicly traded corporation which is registered with the commission may be required to be found suitable if the commission has reason to believe that his acquisition of [such] the debt security would otherwise be inconsistent with the declared policy of this state.

3. Each person who, individually or in association with others, acquires, directly or indirectly, beneficial ownership of more than 5 percent of any class of voting securities of a publicly traded corporation registered with the Nevada gaming commission, and who is required to report, or voluntarily reports, [such] the acquisition to the Securities and Exchange Commission pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, [(15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, [)] shall file a copy of that report, and any amendments thereto, with the Nevada gaming commission within 10 days after filing that report with the Securities and Exchange Commission.

4. Each person who, individually or in association with others, acquires, directly or indirectly, the beneficial ownership of more than 10 percent of

any class of voting securities of a publicly traded corporation registered with the commission, [and] or who is required to report, or voluntarily reports, [the] such acquisition pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended , [(] 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively , [),] shall apply to the commission for a finding of suitability within 30 days after the chairman of the board mails the written notice.

5. A person who acquires beneficial ownership of any voting security or debt security in a publicly traded corporation created under the laws of a foreign country which is registered with the commission shall file such reports and is subject to such a finding of suitability as the commission may prescribe.

6. Any person required by the commission or by this section to be found suitable shall:

(a) Except as otherwise required in subsection 4, apply for a finding of suitability within 30 days after the commission requests that he do so; and

(b) Together with the application, deposit with the board a sum of money which, in the opinion of the board, will be adequate to pay the anticipated costs and charges incurred in the investigation and processing of the application, and deposit such additional sums as are required by the board to pay final costs and charges.

7. Any person required by the commission or this section to be found suitable who is found unsuitable by the commission shall not hold directly or indirectly the beneficial ownership of any voting security or debt security of a publicly traded corporation which is registered with the commission beyond the time prescribed by the commission.

8. The violation of subsection 6 or 7 is a gross misdemeanor.

9. As used in this section, "debt security" means any instrument generally recognized as a corporate security representing money owed and reflected as debt on the financial statement of a publicly traded corporation, including, but not limited to, bonds, notes and debentures.

Sec. 26. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 5, inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device , [or] cashless wagering system or interactive gaming system for use or play in Nevada or for distribution outside of Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the board, dispose of by

sale in a manner approved by the board, any or all of its gaming devices, including slot machines, and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The commission may, by regulation, authorize a person who owns gaming devices for home use in accordance with NRS 463.160 to sell such devices without procuring a license therefor.

5. Upon approval by the board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the commission on postsecondary education,

may be disposed of by sale, in a manner approved by the board, without a distributor's license. An application for approval must be submitted to the board in the manner prescribed by the chairman.

6. Any person whom the commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may be issued a manufacturer's or distributor's license. The burden of proving his qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.

7. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the commission.

8. The commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the commission determines that the exemption is consistent with the purposes of this chapter.

9. As used in this section, "holding company" has the meaning ascribed to it in NRS 463.485.

Sec. 27. NRS 463.670 is hereby amended to read as follows:

463.670 1. The legislature finds and declares as facts:

(a) That the inspection of gaming devices, associated equipment , [and] cashless wagering systems and interactive gaming systems is essential to carry out the provisions of this chapter; and

(b) That inspection of gaming devices, associated equipment , [and] cashless wagering systems and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

2. The board may inspect every gaming device which is manufactured, sold or distributed:

(a) For use in this state, before the gaming device is put into play.

(b) In this state for use outside this state, before the gaming device is shipped out of this state.

3. The board may inspect every gaming device which is offered for play within this state by a licensee.

4. The board may inspect all associated equipment , [and] every cashless wagering system and every interactive gaming system which is manufactured, sold or distributed for use in this state before the equipment or system is installed or used by a licensee and at any time while the licensee is using the equipment or system.

5. In addition to all other fees and charges imposed by this chapter, the board may determine, charge and collect an inspection fee from each manufacturer, seller or distributor which must not exceed the actual cost of inspection and investigation.

Sec. 28. NRS 463A.010 is hereby amended to read as follows:

463A.010 The legislature finds and declares that:

1. The relationship which exists between a labor organization and the employees whom it represents or seeks to represent in collective bargaining is such that it may significantly affect the conduct of a gaming operation by an employer.

2. In the past, attempts have been made by persons whose background is not suitable for association with licensed gaming to gain positions of control in labor organizations representing or seeking to represent gaming casino employees in this state.

3. In order to carry out the declared policy of this state that licensed gaming be conducted freely and honestly, and in order to protect the welfare of the employees of the gaming industry which is fundamental to the economy of this state, it is necessary to determine the suitability of any person who performs or seeks to perform certain significant functions in the representation of gaming casino employees in this state.

Sec. 29. NRS 463A.020 is hereby amended to read as follows:

463A.020 As used in this chapter:

1. "Board" means the state gaming control board.
2. "Commission" means the Nevada gaming commission.

persons;

(c) All personnel involved in the operation of games, such as bingo and keno;

(d) All personnel involved in operating and maintaining slot machines, such as mechanics, floormen, change and payoff persons and the supervisors of such persons;

(e) All personnel involved in security, such as guards, games observers and the supervisors of such persons;

(f) All personnel involved in the operation of a race or sports book, such as writers, boardmen, cashiers and the supervisors of such persons;

(g) All personnel involved in the operation of a pari-mutuel operation licensed under chapter 464 of NRS and any sporting event on which such pari-mutuel wagering is conducted; and

(h) Such other persons whose duties are similar to the classifications set forth in paragraphs (a) to (g), inclusive, as the commission may from time to time designate by regulation, but does not include personnel whose duties are related solely to such nongaming activities as entertainment, hotel operation, maintenance and the preparation and serving of food and beverages.

4. “Labor organization” means an organization of any kind, or any agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing or seeking to deal with employers of gaming casino employees concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work of gaming casino employees.

Sec. 30. NRS 463A.030 is hereby amended to read as follows:

463A.030 1. [Every] Not later than the date on which a labor organization which represents or seeks to represent gaming casino employees in this state begins an organizational activity directed at a gaming casino employee, the labor organization shall file with the board a list of its personnel who:

(a) Adjust or seek to adjust grievances for, negotiate or administer the wages, hours, working conditions or conditions of employment of any gaming casino employee;

(b) Solicit, collect or receive or seek to solicit, collect or receive any dues, assessments, levies, fines, contributions or other charges within this state for or on behalf of the organization from gaming casino employees; or

(c) Act as officers, members of the governing body, business agents or in any other policymaking or supervisory position in the organization.

2. Each person listed shall file with the board his fingerprints and complete information in writing concerning his labor organization activities, prior performance of the same or similar functions, previous employment or occupational history, and criminal record if any, covering at least a 10-year period unless the board determines that a shorter period is appropriate.

3. The commission shall by regulation prescribe the frequency or circumstances or both with or under which the list [shall] must be revised.

4. The commission may by regulation prescribe:

(a) Any further information to be required concerning each person listed or each person performing a particular function.

(b) The addition of other personnel to the list whose duties significantly affect the conduct of a gaming operation.

5. In adopting regulations pursuant to this section, the commission shall proceed in the manner prescribed in chapter 463 of NRS.

6. For the purposes of this section, “organizational activity” means:

(a) Soliciting membership by direct personal contact;

- (b) Distributing cards regarding interests or representation; or
- (c) Distributing or posting a flyer, poster or advertisement.

Sec. 31. NRS 463A.050 is hereby amended to read as follows:

463A.050 1. To determine suitability under and compliance with the provisions of this chapter, the board may investigate any person whose name is listed by a labor organization or who it believes is performing or seeking to perform a function which requires listing. For this purpose, the board is vested with all of the powers which it possesses for the investigation of an applicant for or holder of a state gaming license, and may further make such examination as it reasonably deems necessary of the financial records of any labor organization for whom such a person is performing or seeking to perform such a function.

2. The cost of any investigation required by this section [shall] must be paid by the board from [moneys] money appropriated or authorized to be used for this purpose.

3. Whenever the board undertakes an investigation pursuant to this section, [it] the board shall employ or consult with some person who has a professional background in the field of labor relations. The same services may be retained to assist the commission upon any subsequent hearing of the matter.

4. The board shall, if appropriate, recommend to the commission that a person investigated be disqualified.

Sec. 32. NRS 463A.060 is hereby amended to read as follows:

463A.060 1. If the board recommends that a person be disqualified, the commission shall serve upon the person and the labor organization for which the person is performing his function [a notice, a] or seeking to perform that function:

- (a) A notice;
- (b) A statement of the reasons for the recommendation ; and [three]
- (c) Three copies of a form entitled "Notice of Defense."

2. The notice of defense must read substantially as follows:

NOTICE OF DEFENSE

Instructions to Respondents: Two copies of this form should be filed with the Nevada gaming commission, Carson City, Nevada, within 15 days after service upon you of the enclosed complaint. The form must be signed by you or on your behalf. You will note that blanks are provided for any information you wish to supply.

Yes No

1. Do you request a hearing? ☐ ☐
2. Do you admit the facts stated in the complaint? ☐ ☐

If you admit some of the facts stated in the complaint, but deny others, please specify:

(space for answer)

3. Are there any defenses or explanations which you believe the commission should consider? ☐ ☐

If so, please specify:

(space for answer)

4. Do you wish to state any legal objections to the complaint? ☐ ☐

If so, please specify:

(space for answer)

Note: If you fail to file two copies of this form as specified, the commission may proceed upon the complaint without a hearing.

Sec. 33. NRS 465.070 is hereby amended to read as follows:

465.070 It is unlawful for any person:

1. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

3. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won.

4. Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game.

5. To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

6. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

7. To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

8. To offer, promise or give anything of value to anyone for the purpose of influencing the outcome of a race, sporting event, contest or game upon which a wager may be made, or to place, increase or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised or given anything of value for the purpose of influencing the outcome of the race, sporting event, contest or game upon which the wager is placed, increased or decreased.

9. To change or alter the normal outcome of any game played on an interactive gaming system or the way in which the outcome is reported to any participant in the game.

Sec. 34. 1. The Nevada gaming commission shall, on or before January 1, 2003, adopt regulations to carry out the amendatory provisions of section 16 of this act and transmit a copy of those regulations to each county and city licensing authority that issues work permits to work as a gaming employee.

2. The amendatory provisions of sections 13 and 16 of this act apply to any work permit to work as a gaming employee that is issued by the state gaming control board or a county or city licensing authority on or after January 1, 2003.

3. On or after January 1, 2003, a county or city licensing authority is prohibited from issuing a work permit to work as a gaming employee that does not comply with the provisions of this act and the regulations adopted by the Nevada gaming commission.

4. A work permit to work as a gaming employee that was issued before January 1, 2003, is valid until it expires or is revoked in accordance with the provisions of NRS 463.335 that remain in effect until January 1, 2003.

Sec. 35. The amendatory provisions of this act do not apply to offenses committed before July 1, 2001.

Sec. 36. 1. This section and sections 28 to 32, inclusive, of this act become effective upon passage and approval.

2. Sections 16 and 34 of this act become effective upon passage and approval for purposes related to the adoption and dissemination of regulations by the Nevada gaming commission and on January 1, 2003, for all other purposes.

3. Sections 1 to 12, inclusive, 14, 15, 17 to 27, inclusive, 33 and 35 of this act become effective on July 1, 2001.

4. Section 13 of this act becomes effective on January 1, 2003.”.

Amend the title of the bill to read as follows:

“AN ACT relating to gaming; authorizing the Nevada gaming commission to adopt regulations governing the licensing and operation of interactive gaming if the commission first makes certain determinations; providing that a license to operate interactive gaming may be issued only to resort hotels or certain other establishments holding nonrestricted licenses; providing for certain license fees relating to interactive gaming; providing that gross revenue received from interactive gaming is subject to taxation in the same manner as gross revenue received from other games; exempting the operation of interactive gaming from certain other fees and taxes; revising the computation of interest payable by the commission on the overpayment of certain fees and taxes; prohibiting a person from operating interactive gaming until the commission adopts regulations and unless the person procures and maintains all licenses required pursuant to the regulations; providing for the enforceability of gaming debts incurred pursuant to an interactive gaming system; providing for the licensure and regulation of manufacturers of interactive gaming systems and manufacturers of equipment associated with interactive gaming; revising provisions relating to persons who acquire a certain beneficial ownership in a publicly traded corporation registered with the commission; revising the definitions of “gaming employee” and “manufacturer” for the purposes of the Nevada Gaming Control Act; revising provisions governing applications for restricted licenses; providing for the issuance of statewide work permits for gaming employees; establishing a maximum fee for the issuance of such work permits; revising various provisions governing the listing, investigation and disqualification of personnel of a labor organization for gaming employees; prohibiting certain fraudulent acts concerning gaming; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Enacts provisions governing licensing and operation of interactive gaming and revises various provisions relating to gaming. (BDR 41-244)”.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 466.

Remarks by Assemblyman Anderson.

Motion carried by a two-third's majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 664.

The following Senate amendment was read:

Amendment No. 1221.

Amend the bill as a whole by adding new sections designated sections 14.3 through 14.7, following sec. 14, to read as follows:

“Sec. 14.3. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 14.5 and 14.7 of this act.

Sec. 14.5. *District 11 consists of, in Washoe County:*

1. *Census tracts 001400, 001901, 001902, 002603, 002604, 002605, 002606, 002607, 002701, 002702, 002801, 002802, 002901, 002902, 003000, 003101, 003105, 003106, 003107, 003108, 003501, 003502, 003503, 003504, 003505, 003506, 003507 and 940100.*

2. *Census voting districts 401, 404, 419, 423, 432, 433, 443, 450, 528, 530, 540, 623, 747, 748, 751, 752, 848, 913, 914, 916 and 934.*

3. *In census tract 000100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 5000, 5001, 5006, 5007, 5008, 5009, 5053 and 5054.*

4. *In census tract 001006, blocks 2111, 2118, 2119, 2120 and 2999.*

5. *In census tract 001500, blocks 1000, 1001, 2002, 3012 and 3017.*

6. *In census tract 001700, blocks 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2000, 2001, 2002, 2005, 5000, 5001, 5002, 5003, 5012, 5013 and 5014.*

7. *In census tract 001800, blocks 4014, 4015, 4016, 5000, 5006, 5007 and 5008.*

8. *In census tract 002103, blocks 2000 and 2999.*

9. *In census tract 002300, blocks 1002, 1003, 1004, 1016, 1017, 1018, 2000, 2001, 2003, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2092, 2143, 2144 and 2994.*

10. *In census tract 002401, block 2021.*

11. *In census tract 002402, blocks 1006, 1007, 1008, 1009, 1024, 2066, 2081, 2082 and 2083.*

12. *In census tract 002500, blocks 1009, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024.*

13. *In census tract 002609, blocks 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1041, 1044, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011,*

2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2037, 2038 and 2039.

Sec. 14.7. *District 12 consists of, in Clark County:*

1. *Census tracts 003203, 003204, 003205, 003206, 003207, 003208, 003209, 003301, 003302, 003303, 003304, 003305, 003306, 003408, 003409, 003410, 003411, 003606, 003608, 005431, 005432, 005433, 005501, 005503, 005504, 005606, 005607, 005608, 005609, 005611, 005612, 005613 and 005901.*

2. *Census voting districts 1007, 2046, 2047, 2048, 2106, 2140, 3131 and 3136.*

3. *In census tract 003413, blocks 2000, 2001, 2002, 2003, 2011, 2019, 2020, 2021, 2022, 2024 and 2025.*

4. *In census tract 003414, block 1021.*

5. *In census tract 003603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1025, 1026, 1027, 1028, 1029, 1052, 1057, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1073 and 1074.*

6. *In census tract 003604, blocks 1000, 1008, 1009, 1010, 1011 and 1012.*

7. *In census tract 003605, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2001, 2009, 2010, 2011, 2012, 2013, 2014, 2032, 2033, 2034 and 2035.*

8. *In census tract 003607, blocks 1000, 1004, 1005 and 1006.*

9. *In census tract 005502, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011.*

10. *In census tract 005710, blocks 1000, 1009, 1010, 1011, 1012 and 1013.*

11. *In census tract 005817, blocks 1000 and 1163.*

12. *In census tract 005902, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1118,*

1121, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1259, 1260, 1261, 1262, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 9019.

13. In census tract 006000, blocks 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9048, 9049 and 9055.

14. In census tract 006101, blocks 2001 and 2016.

15. In census tract 006102, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030.”.

Amend sec. 17, page 20, line 14, by deleting “11” and inserting “13”.

Amend sec. 17, page 20, by deleting line 29 and inserting: “described in NRS 396.0415 to 396.046, inclusive, and sections 14.5 and 14.7 of this act.”.

Amend sec. 17, page 20, line 38, by deleting “4, 6” and inserting: “2, 3, 5”.

Amend sec. 17, page 20, line 44, by deleting: “2, 5, 7, 8 and 11.” and inserting: “6, 7, 8, 11 and 13.”.

Amend sec. 17, page 21, line 2, by deleting: “3 and 9.” and inserting: “4, 9 and 12.”.

Amend sec. 18, page 21, line 9, by deleting “inclusive.” and inserting: “inclusive ~~[]~~, and sections 14.5 and 14.7 of this act.”.

Amend the bill as a whole by deleting sections 19 through 28 and adding new sections designated sections 19 through 28, following sec. 18, to read as follows:

“Sec. 19. NRS 396.0415 is hereby amended to read as follows:

396.0415 ~~{Subdistrict A of district 1 consists of, in Washoe County:~~

~~1. Census voting districts 0103, 0105, 0106, 0109, 0111, 0112, 0116, 0118, 0121, 0122, 0123, 0124, 0125, 0127, 0131, 0132, 0133, 0135, 0136, 0200, 0203, 0206, 0208, 0212, 0215, 0223, 0231, 0232, 0235, 0240, 0242, 0243, 0244, 0245, 0251, 0252, 0253, 0305, 0306, 0310, 0312, 0317, 0323, 0335, 0336, 0337, 0338, 0339, 0346, 0347, 0348, 0350, 0351, 0402, 0403, 0410, 0420 and 0425, that portion of census voting district 0500 located in the Reno Sparks census county division, and census voting districts 0501, 0507, 0516, 0517, 0521, 0522, 0524, 0532, 0533, 0534, 0535, 0536, 0700,~~

~~0701, 0702, 0704, 0707, 0709, 0710, 0749, 0761, 0780, 0781, 0782, 0795, 0803, 0849 and 0901.~~

~~2. All of census voting district 0444 except blocks 301B and 302B.]~~
District 1 consists of, in Clark County:

1. *Census tracts 000201, 000203, 000301, 000302, 000600, 000800, 000900, 003425, 003500, 003602, 003609, 003610, 003611, 003612, 003613, 003614, 003615, 003700, 004703, 004711, 004712, 004714, 004715, 004716, 006203 and 006204.*

2. *Census voting districts 2004, 2021, 2044, 2056, 2083, 2112, 2117, 2129, 2142, 4021, 4022, 4033, 4060 and 4066.*

3. *In census tract 000101, blocks 2000, 2001, 2002, 2003, 2014 and 2015.*

4. *In census tract 000204, blocks 1000, 1003, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020.*

5. *In census tract 000400, blocks 1001, 1002, 1003, 1004, 1007, 3004, 3005, 3006, 3007, 3008, 3012, 3013, 3014, 3015, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011 and 6012.*

6. *In census tract 000700, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.*

7. *In census tract 001100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.*

8. *In census tract 003603, blocks 1022, 1023, 1024, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1058, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.*

9. *In census tract 003604, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010 and 3011.*

10. *In census tract 003605, blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030 and 2031.*

11. *In census tract 003607, blocks 1001, 1002, 1003, 1007, 1008, 1009, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007 and 3008.*

12. *In census tract 003800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,*

2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 3006, 4001 and 4009.

13. *In census tract 004400, block 2003.*

14. *In census tract 004500, block 1003.*

15. *In census tract 004600, blocks 1013, 1014, 1015, 1016, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019.*

16. *In census tract 004713, blocks 1001, 1004, 1005, 1006, 1007, 1008 and 1009.*

17. *In census tract 004717, blocks 1000, 1001, 1002, 2003, 2008, 2009, 2010, 2011 and 2012.*

18. *In census tract 006000, blocks 9009, 9010, 9011, 9012, 9013, 9017, 9018, 9019, 9020, 9021, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9050, 9051, 9052, 9053 and 9054.*

19. *In census tract 006102, blocks 3031, 3032, 3033, 3034 and 3035.*

20. *In census tract 006201, blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.*

21. *In census tract 006202, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015.*

Sec. 20. NRS 396.0425 is hereby amended to read as follows:

396.0425 ~~{Subdistrict B of district 1 consists of, in Washoe County:~~

1. ~~Census voting districts 0401, 0404, 0412, 0419, 0421, 0428, 0429, 0430, 0441, 0442, 0443, 0445, 0453, 0455, 0456, 0457 and 0458, that portion of census voting district 0500 located in the Verdi census county division, census voting districts 0505, 0508, 0610, 0611, 0613, 0614, 0615, 0616, 0617, 0619, 0620, 0621, 0624, 0625, 0626, 0627, 0630, 0631, 0632, 0633, 0634, 0635, 0638, 0639, 0640, 0641, 0642, 0643, 0648, 0649, 0650, 0651, 0652, 0654, 0655, 0658, 0659, 0708, 0713, 0714, 0719, 0725, 0726, 0728, 0734, 0735, 0741, 0747, 0748, 0750, 0752, 0753, 0755, 0760 and 0768, that portion of census voting district 0771 located in the Verdi census county division, census voting districts 0774, 0796, 0801, 0802, 0807, 0808, 0809, 0810, 0811, 0812 and 0813, that portion of census voting district 0815 located in the Reno Sparks census county division, and census voting districts 0821, 0848, 0850, 0851, 0852, 0853, 0854, 0855, 0856, 0904, 0905 and 0907.~~

2. ~~In census voting district 0444, blocks 301B and 302B.] District 2 consists of, in Clark County:~~

1. *Census tracts 000102, 000103, 000104, 000105, 001003, 001004, 001005, 001006, 002203, 002204, 002205, 002905, 002937, 002938, 002947, 003001, 003101, 003102, 003416, 003417, 003419, 003420, 003422, 003423 and 003424.*

2. *Census voting districts 2049, 2051, 2052, 2054, 2055, 2104, 3027, 3029, 3104, 6028, 6029, 6030 and 6042.*

3. *In census tract 000101, blocks 1000, 1001, 1002, 1003, 1004, 2005, 2006, 2007, 2008, 2009, 2010, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3001, 3008, 3009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014 and 4015.*

4. *In census tract 000204, blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.*

5. *In census tract 002201, blocks 2012 and 2013.*

6. *In census tract 002935, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008 and 1009.*

7. *In census tract 002936, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011 and 2012.*

8. *In census tract 002946, blocks 1000, 1001 and 1002.*

9. *In census tract 002949, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011.*

10. *In census tract 002954, blocks 1000, 1001, 1002 and 1003.*

11. *In census tract 002955, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 2001, 2003 and 2004.*

12. *In census tract 003004, block 2000.*

13. *In census tract 003005, blocks 4000, 4001 and 4002.*

14. *In census tract 003006, blocks 3000 and 3001.*

15. *In census tract 003412, block 3017.*

16. *In census tract 003413, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019 and 1023.*

17. *In census tract 003415, blocks 3000, 3001, 3002, 3004, 4000, 4001, 4012, 6000, 6001, 6002, 6003, 6005, 6006, 6007, 6008, 6009 and 6015.*

Sec. 21. NRS 396.043 is hereby amended to read as follows:

396.043 ~~[Subdistrict A of district 2 consists of:~~

~~1. In Clark County, census voting districts 0025, 0030, 0035, 0065, 0100, 0105, 0130, 0160, 0300, 0310, 0385, 0430, 0470, 0515, 0535, 0540, 0605, 0610, 0785, 0935, 0955, 1105, 1110, 1115, 1120, 1125, 1130, 1135, 1140, 1145, 1155, 1160, 1165, 1170, 1175, 1180, 1190, 1200, 1205, 1210, 1215, 1220, 1225, 1230, 1235, 1240, 1245, 1250, 1255, 1265, 1300, 1330, 1340, 2325, 2395, 2400, 2405, 2410, 2855, 2875, 2945, 2955, 2960, 2970, 2975, 2980, 2985, 2990 and 2995.~~

~~2. In Clark County, in census voting district 0145, blocks 101 to 104, inclusive, 116, 131, 204 and 216.~~

~~3. In Clark County, all of census voting district 1150 except block 210.~~

~~4. In Clark County, in census voting district 1260, blocks 212, 214, 215, 216, 218, 219, 220, 222, 224 and 227.~~

~~5. In Clark County, all of census voting district 1275 except blocks 214 and 218.~~

~~6. In Clark County, in census voting district 2260, blocks 501, 513 to 517, inclusive, and 522.~~

~~7. In Clark County, all of census voting district 2965 except blocks 901 and 902.] District 3 consists of, in Clark County:~~

1. *Census tracts 002000, 002300, 002403, 002404, 002405, 002406, 002501, 002504, 002505, 002506, 002601, 002602, 002603, 002702, 002706, 002707, 002708, 002709, 002807, 002809, 002810, 002811, 002817, 002818, 002823, 002824, 002828, 002829, 002830, 002833, 002834, 005311, 005312, 005316, 005317, 005319 and 005320.*

2. *Census voting districts 1111, 5014, 7050, 7060, 7061 and 7062.*

3. *In census tract 000204, blocks 2000, 2001, 2002, 2013 and 2014.*

4. *In census tract 001100, blocks 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009.*

5. *In census tract 002201, blocks 2010, 2011, 2014, 2015, 2016 and 2017.*

6. *In census tract 002808, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2001, 2002, 2003, 2007, 2009, 2010, 2012, 2013 and 2014.*

7. *In census tract 002814, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020 and 2000.*

8. *In census tract 002831, blocks 1000, 1001, 1002, 1003, 1004 and 1005.*

9. *In census tract 002832, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1019 and 1020.*

10. *In census tract 005322, block 1000.*

Sec. 22. NRS 396.0435 is hereby amended to read as follows:

396.0435 ~~[Subdistrict B of district 2 consists of:~~

~~1. In Clark County, census voting districts 0015, 0040, 0175, 0185, 0190, 0210, 0235, 0240, 0245, 0260, 0270, 0280, 0285, 0290, 0315, 0325, 0360, 0365, 0370, 0375, 0390, 0400, 0405, 0440, 0490, 0495, 0530, 0550, 0555, 0560, 0565, 0580, 0585, 0600, 0620, 0650, 0680, 0685, 0700, 0705, 0710, 0720, 0725, 0735, 0760, 0770, 0790, 0795, 0830, 0835, 0840, 0850, 0890, 0895, 0940, 1055, 1060, 1075, 1760, 1810, 1825, 1835, 1855, 1880, 1885, 1910, 1915, 1920, 1950, 1985, 2015, 2030, 2070, 2080, 2330, 3005, 3020, 3055, 3065, 3105, 3110, 3125, 3140, 3145, 3150 and 3160.~~

~~2. In Clark County, in census voting district 0145, blocks 105, 114, 115, 117 and 118.] District 4 consists of, in Clark County:~~

1. *Census tracts 001706, 001707, 001708, 001709, 001715, 001717, 001718, 001803, 001804, 002821, 002822, 002826, 002827, 005010, 005011, 005101, 005102, 005103, 005104, 005105, 005106, 005107, 005108, 005109, 005200, 005314, 005315, 005318, 005321, 005333, 005334, 005335, 005336, 005337, 005338, 005341, 005342, 005343 and 005345.*

2. *Census voting districts 1110, 5025, 5026, 7031, 7034, 7049, 7056, 7057 and 7058.*

3. *In census tract 001608, blocks 1007, 2003, 2004, 2005, 2006 and 2007.*

4. *In census tract 001713, blocks 1001, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.*

5. *In census tract 001801, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 2002, 2008, 2009, 2015, 2016, 2017, 2018 and 2021.*

6. *In census tract 002808, blocks 2000, 2004, 2005, 2006, 2008 and 2011.*

7. *In census tract 005339, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1040, 1041, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.*

Sec. 23. NRS 396.044 is hereby amended to read as follows:

396.044 ~~[Subdistrict C of district 2 consists of, in Clark County, census voting districts 1090, 1360, 1590, 1710, 1715, 1720, 1725, 1730, 1735, 1740, 1770, 1775, 1785, 1805, 1840, 1895, 1900, 1905, 1930, 1935, 1940, 1945, 1955, 1960, 1965, 1980, 2000, 2035, 2040, 2045, 2060, 2065, 2075, 2170, 2570, 2575, 2585, 2590, 2600, 2605, 2610, 2615, 2620, 2630, 2635, 2645, 2650, 2655, 2660, 2665, 2680, 2685, 2695, 2700, 2710, 2715, 2720, 2725, 2730, 2740, 2885, 2890, 2900, 2905, 2915, 2920, 2925, 2930, 3030, 3070, 3075, 3080, 3095, 3100, 3115, 3120, 3130, 3155 and 3190.] District 5 consists of, in Clark County:~~

1. *Census tracts 000503, 000504, 000510, 000511, 000514, 000516, 000518, 001200, 001300, 001400, 001500, 001609, 001901, 001902, 004000, 004100, 004200 and 004300.*

2. *Census voting districts 2018, 2020, 2062, 2067, 2069, 4008, 4011, 4012, 4013, 4014 and 4039.*

3. *In census tract 000400, blocks 5002, 5003, 5004, 5011 and 5012.*

4. *In census tract 000512, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2014 and 2015.*

5. *In census tract 000517, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009.*

6. *In census tract 000519, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.*

7. *In census tract 000700, block 1000.*

8. *In census tract 001608, blocks 2001 and 2002.*

9. *In census tract 003800, blocks 4000, 4002, 4003 and 4004.*

10. *In census tract 004400, blocks 1005, 1006, 1007, 1008, 1017, 1018, 1019, 2002 and 4012.*

11. *In census tract 004500, blocks 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 3014 and 3015.*

12. *In census tract 004600, blocks 1002, 1012, 1017, 1019, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015.*

13. *In census tract 004707, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1009.*

14. *In census tract 004710, blocks 1004, 1005 and 1006.*

15. *In census tract 004713, blocks 1002, 1003, 1010, 1011 and 1012.*

16. *In census tract 004717, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.*

Sec. 24. NRS 396.0445 is hereby amended to read as follows:

396.0445 ~~{Subdistrict D of district 2 consists of:~~

~~1. In Clark County, census voting districts 1345, 1350, 1355, 1365, 1370, 1375, 1380, 1390, 1395, 1400, 1410, 1415, 1425, 1430, 1440, 1445, 1450, 1460, 1465, 1470, 1475, 1480, 1485, 1490, 1495, 1500, 1510, 1525, 1540, 1545, 1550, 1570, 1575, 1580, 1585, 1605, 1610, 1615, 1620, 1625, 1630, 1635, 1640, 1645, 1650, 1655, 1660, 1665, 1675, 1680, 1685, 1690, 1790, 1820, 1830, 1845, 1865, 1875, 2005, 2050, 2055, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2280, 2300, 2535, 2540, 2545, 2580, 2595, 2625, 2640, 2670, 2675, 2690, 2705, 2745, 2910, 2935, 3180, 3205, 3270, 3275, 3280, 3285, 3290, 3295 and 3300.~~

~~2. In Clark County, in that portion of census voting district 3185 located in the Las Vegas census county division:~~

~~(a) Blocks 105B, 201C, 901B and 903C; and~~

~~(b) Block 902 located in census tract 005403.} District 6 consists of, in Clark County:~~

~~1. Census tracts 001606, 001607, 001610, 001611, 001612, 001613, 001710, 001716, 004708, 004709, 004907, 004910, 004911, 004912, 004914, 004915, 004916, 004917, 004918, 004919, 004920, 004921, 004922, 004923, 004924, 005005, 005006, 005007, 005008, 005009, 005012, 005411, 005412, 005421, 005422, 005423 and 006103.~~

~~2. Census voting districts 1026, 1032, 1043, 2065, 2070, 2123, 2124 and 2126.~~

~~3. In census tract 000512, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 3013.~~

~~4. In census tract 000517, blocks 2000, 2001, 2002 and 2003.~~

~~5. In census tract 000519, block 3000.~~

~~6. In census tract 001608, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 2000 and 2008.~~

~~7. In census tract 001713, block 1000.~~

~~8. In census tract 001714, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.~~

~~9. In census tract 001801, blocks 2000 and 2001.~~

~~10. In census tract 004707, blocks 1000, 1001, 1010, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.~~

11. *In census tract 004710, blocks 1000, 1001, 1002, 1003, 1007, 1008, 1009, 1010, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.*

12. *In census tract 006101, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1015, 1016, 1017, 1052, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030 and 2031.*

13. *In census tract 006201, block 2000.*

14. *In census tract 006202, block 1003.*

Sec. 25. NRS 396.045 is hereby amended to read as follows:

396.045 ~~[Subdistrict E of district 2 consists of, in Clark County, census voting districts 0010, 0055, 0060, 0070, 0080, 0095, 0150, 0155, 0165, 0200, 0205, 0220, 0225, 0255, 0265, 0295, 0330, 0350, 0425, 0450, 0455, 0460, 0475, 0485, 0505, 0510, 0520, 0525, 0570, 0590, 0675, 0690, 0695, 0750, 0765, 0775, 0960, 0965, 1755, 1765, 1780, 1800, 1815, 1850, 1870, 1890, 1970, 2010, 2020, 2155, 2160, 2165, 2175, 2180, 2185, 2190, 2195, 2200, 2215, 2230, 2240, 2245, 2830, 2880, 3010, 3015, 3025, 3035, 3040, 3045, 3050, 3060, 3090, 3135, 3215 and 3240.] District 7 consists of , in Clark County:~~

1. *Census tracts 002915, 002916, 002919, 002939, 002940, 002941, 002944, 002950, 002951, 002952, 002953, 002957, 003003, 003210, 003211, 003212, 003213, 003214, 003215, 003216, 003217, 003218, 003219, 003220, 003221, 003222, 003223, 003224, 003225, 003226, 003227, 003418, 003421, 005804 and 005805.*

2. *Census voting districts 6011, 6012 and 6013.*

3. *In census tract 003004, blocks 1000, 1001, 1002, 2001, 2002, 2003, 2004, 2005 and 2006.*

4. *In census tract 003005, blocks 3000, 3001, 3002, 3003, 3004, 4003, 4004 and 4005.*

5. *In census tract 003006, blocks 3002, 3003, 3004, 3005, 3006 and 3007.*

6. *In census tract 003415, blocks 1000, 1001, 2002 and 2003.*

7. *In census tract 005803, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010.*

8. *In census tract 005810, blocks 1003 and 1005.*

Sec. 26. NRS 396.0451 is hereby amended to read as follows:

396.0451 ~~[Subdistrict F of district 2 consists of:~~

1. ~~Lincoln County.~~

2. ~~In Clark County, census voting districts 0020, 0050, 0085, 0120, 0250, 0305, 0465, 0630, 0660, 1070, 1185, 1195, 1455, 1515, 1600, 1695, 1750, 1795, 2095, 2205, 2210, 2225, 2250, 2255, 2265, 2270, 2275, 2305, 2310, 2315, 2555, 2565, 2750, 2755, 2760, 2770, 2775, 2780, 2785, 2790, 2795, 2800, 2805, 2810, 2815, 2820, 2825, 2835, 2840, 2845, 2850, 2860, 2865,~~

~~2870 and 2950, that portion of census voting district 3185 located in the Clark census county division, and census voting districts 3255 and 3305.~~

~~3. In Clark County, in census voting district 1150, block 210.~~

~~4. In Clark County, in census voting district 1260, blocks 101, 102, 103 and 123.~~

~~5. In Clark County, in census voting district 1275, blocks 214 and 218.~~

~~6. In Clark County, in that portion of census voting district 3185 located in the Las Vegas census county division:~~

~~(a) Block 201B located in census tract 0051.~~

~~(b) Block 201B located in census tract 005401.~~

~~(c) Blocks 204B, 901D, 903, 904, 905B and 906C.~~

~~(d) Block 902 located in census tract 005401.~~

~~7. In Clark County, in census voting district 2260, blocks 502, 508 to 512, inclusive, and 518.~~

~~8. In Clark County, in census voting district 2965, blocks 901 and 902.]~~
District 8 consists of Churchill County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Lincoln County, Mineral County, Nye County, Pershing County and White Pine County.

Sec. 26.5. NRS 396.0453 is hereby amended to read as follows:

396.0453 ~~{Subdistrict G of district 2 consists of:~~

~~1. In Nye County, census voting districts 0060, 0065, 0070, 0075, 0080, 0085, 0090 and 0095.~~

~~2. In Clark County, census voting districts 0005, 0045, 0075, 0090, 0115, 0125, 0140, 0170, 0195, 0230, 0320, 0340, 0395, 0410, 0415, 0435, 0445, 0480, 0595, 0615, 0625, 0635, 0640, 0655, 0670, 0715, 0745, 0755, 0800, 0805, 0845, 0855, 0860, 0870, 0875, 0880, 0885, 0900, 0910, 0930, 0950, 0980, 0985, 0990, 1020, 1045, 1050, 1065, 1080, 1095, 1925, 1975, 2090, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2380, 2385, 2390, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2530, 3175 and 3210.]~~

District 9 consists of:

1. Carson City, Douglas County, Lyon County and Storey County.

2. In Washoe County:

(a) Census tracts 003201, 003302 and 003304.

(b) Census voting districts 134, 144, 145, 148, 764, 771, 790, 797, 814, 819, 825, 844, 887, 929, 932 and 933.

(c) In census tract 001006, blocks 2026, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2110, 2112, 2113, 2114, 2115, 2116, 2117, 2121, 3036, 3037, 3038, 3039, 3041, 3042, 3043, 3044, 3045, 3046, 3047 and 3048.

(d) In census tract 001007, blocks 2016, 2017, 2018, 2019, 2020, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3027, 3028, 3029,

3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3039, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3051, 3052, 3053, 3054, 3055 and 3056.

(e) *In census tract 002300, blocks 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2093, 2094, 2095, 2096, 2097, 2098, 2102, 2103, 2104, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2119 and 2995.*

(f) *In census tract 003202, blocks 1008, 1009, 1024, 1025, 1026, 2000, 2001, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5998 and 5999.*

Sec. 27. NRS 396.0455 is hereby amended to read as follows:

396.0455 ~~[Subdistrict A of district 3 consists of:~~

1. ~~Churchill County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Mineral County, Pershing County and White Pine County.~~

2. ~~In Lyon County, census voting districts 0060, 0065, 0070, 0075 and 0080.~~

3. ~~In Nye County, census voting districts 0005, 0010, 0015, 0020, 0025, 0030, 0035, 0040, 0045, 0050 and 0055.~~

4. ~~In Washoe County, census voting district 0805, that portion of census voting district 0815 located in the Pyramid Lake census county division, and census voting district 0910.] District 10 consists of, in Washoe County:~~

1. *Census tracts 000200, 000300, 000400, 000700, 000900, 001003, 001004, 001005, 001101, 001103, 001104, 001105, 001200, 001300, 002101, 002104, 002105, 002106, 002203, 002204, 002205 and 002406.*

2. *Census voting districts 101, 222, 254, 306, 307, 333, 340, 342, 343, 345, 353, 400, 402, 410, 413, 446, 503, 504, 509, 511, 512, 513, 534, 535, 537, 539, 710, 731, 769, 779, 787, 798, 834, 847, 879, 917, 935, 936, 938 and 945.*

3. *In census tract 000100, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 5002, 5003, 5004, 5005, 5010, 5011, 5012, 5013, 5014, 5015, 5019, 5020, 5021, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5051 and 5052.*

4. *In census tract 001006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2018, 2029, 3014 and 3035.*

5. *In census tract 001007, blocks 2001, 2002, 2003, 2004, 2005, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3023, 3024, 3025, 3026 and 3050.*

6. *In census tract 001500, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3013 and 3014.*

7. *In census tract 001700, blocks 2004, 2006, 2007, 2008, 2009, 2010, 2011, 3008, 3009, 3010, 3011, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5004, 5005, 5006, 5007 and 5008.*

8. *In census tract 001800, blocks 3007, 3009, 3010, 3011, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 5001, 5002, 5003, 5004, 5005, 5009, 5010 and 5011.*

9. *In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2001, 2002, 2003, 2004, 2006, 2012, 2013, 2014, 2015, 2016, 2020, 2021 and 2022.*

10. *In census tract 002202, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1025, 1026, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037.*

11. *In census tract 002401, blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022 and 2023.*

12. *In census tract 002402, blocks 2080, 2087 and 3024.*

13. *In census tract 002500, blocks 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3025 and 3026.*

14. *In census tract 003202, blocks 1005, 1006 and 1007.*

Sec. 28. NRS 396.046 is hereby amended to read as follows:

396.046 ~~[Subdistrict B of district 3 consists of:~~

1. ~~Carson City, Douglas County and Storey County.~~

2. ~~In Lyon County, census voting districts 0005, 0010, 0015, 0020, 0025, 0030, 0035, 0040, 0045, 0050 and 0055.~~

3. ~~In Washoe County, census voting districts 0326, 0334, 0341, 0344, 0349, 0703, 0705, 0712, 0716, 0720, 0721, 0722, 0723, 0724, 0727, 0729, 0730, 0731, 0732, 0733, 0736, 0737, 0739, 0740, 0742, 0744, 0746 and 0769, that portion of census voting district 0771 located in the New Washoe City census county division, and census voting districts 0816, 0817, 0818, 0832, 0833, 0834, 0902, 0903, 0930, 0933, 0935, 0939 and 0945.] District 13 consists of, in Clark County:~~

1. *Census tracts 002815, 002816, 002835, 002836, 002912, 002925, 002942, 002948, 002956, 002958, 002960, 002961, 002962, 002963, 005331, 005332, 005702, 005703, 005704, 005705, 005806, 005807,*

005808, 005809, 005811, 005812, 005813, 005816, 005818, 005819, 005820, 005821 and 940500.

2. *Census voting districts 3138, 3188, 6040, 6062, 6066 and 6102.*

3. *In census tract 002814, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011.*

4. *In census tract 002831, blocks 1006, 1007, 1008, 1009, 1010, 1011 and 1012.*

5. *In census tract 002832, blocks 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1031.*

6. *In census tract 002927, block 2000.*

7. *In census tract 002935, blocks 1007, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.*

8. *In census tract 002936, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2008, 2013, 2014 and 2015.*

9. *In census tract 002955, blocks 1007, 1008, 1011, 1012, 1013, 2000, 2002, 2005 and 2006.*

10. *In census tract 005322, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.*

11. *In census tract 005339, blocks 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039 and 1042.*

12. *In census tract 005502, block 1000.*

13. *In census tract 005710, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 and 1145.*

14. *Census tract 005803, block 2001.*

15. *In census tract 005810, blocks 1000, 1001, 1002, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1034.*

16. *In census tract 005817, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083,*

1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1144, 1145, 1146, 1147, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162 and 1164.

17. *In census tract 005902, block 9011.*”

Amend sec. 30, page 35, by deleting lines 8 through 23 and inserting:

“(a) The member elected from subdistrict A of district 2 shall represent district 1 as described in section 19 of this act.

(b) The member elected from subdistrict D of district 2 shall represent district 4 as described in section 22 of this act.

(c) The member elected from subdistrict F of district 2 shall represent district 6 as described in section 24 of this act.

(d) The member elected from subdistrict G of district 2 shall represent district 7 as described in section 25 of this act.

(e) The member elected from subdistrict A of district 3 shall represent district 8 as described in section 26 of this act.

(f) The member elected from subdistrict B of district 3 shall represent district 9 as described in section 26.5 of this act.

(g) The member elected from subdistrict B of district 1 shall represent district 11 as described in section 14.5 of this act.

(h) The member elected from subdistrict C of district 2 shall represent district 13 as described in section 28 of this act.”

Amend sec. 31, page 35, by deleting lines 30 and 31 and inserting:

“that renumbered district in the identical office at the next succeeding election for that office.”

Amend sec. 31, page 36, by deleting lines 1 through 4 and inserting:

“(1) The member elected from subdistrict B of district 2, if seeking election in 2002 to district 2 as described in section 20 of this act.

(2) The member elected from subdistrict E of district 2, if seeking election in 2002 to district 3 as described in section 21 of this act.

(3) The member elected from subdistrict A of district 1, if seeking election in 2002 to district 10 as described in section 27 of this act.”

Amend the bill as a whole by adding a new section designated sec. 31.5, following sec. 31, to read as follows:

“Sec. 31.5. At the general election in 2002, one member of the board of regents must be elected for an initial term of 4 years to the open seat in district 12, described in section 14.7 of this act.”

Amend sec. 33, page 36, line 8, by deleting: “29, 30 and 31” and inserting: “29 to 31.5, inclusive.”

Amend the title of the bill, third line, after “elected,” by inserting: “changing the number of members of the board of regents;”

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 664.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Parks requested the following remarks be entered in the Journal.

ASSEMBLYMAN DE BRAGA:

ASSEMBLY BULL #001/2

Sponsored by: The Committee on Ways, But No Means

This bill is being presented on behalf of the representative from Elko who is said to be too overcome with emotion to speak in his customarily eloquent manner on this topic.

WHEREAS, the climate in Elko County, NV is so extreme that only the most hearty and self-reliant people have been able to survive there; and

WHEREAS, the rapid weather changes in Elko were first documented in 1848 by Alphonse Murdock who made the following notation in his diary, "Shortly after noon, one of the oxen, overcome by the extreme heat, collapsed and fell to the ground. Before I could get the harness off the poor beast, the other ox froze to death;" and

WHEREAS, weather extremes—coupled with the alarming number of friends and neighbors who either passed or passed on—made settlers hard and forced them to be independent, and

WHEREAS, for more than 100 years, no matter what kind of disaster, catastrophe, calamity, devastation or tragedy befell Elko, its abysmal climate ensured that no representatives from the federal government would ever come to help out, and

WHEREAS, shortly after air conditioning, heating and the Department of Interior were invented—for no good reason whatsoever—Elko County was singled out for relentless, oppressive *help* from every state and federal department, division, agency, committee, board, official, classified and unclassified employee and their support staff; and

WHEREAS, the type of government assistance provided has included drying up springs, keeping the public off public lands, keeping cattle off grazing lands, burning up all kinds of lands, blocking off roads to prevent access to lands and offering professional counseling to fish whose little psyches have been warped by insensitive humans who persist in driving on roads and walking on paths and trails, and

WHEREAS, JC (no relation to the Biblical or the Department Store JC) a little known non-political figure, began speaking out against invasive government practices, raising questions like "Who gets fined if an endangered species eats an endangered plant?" and "If two young people can mate in the back of a small car, why do spotted owls need 3000 acres," and

WHEREAS, in 1986, JC was elected to represent District #33, and he courageously stepped forward to accept the challenge and lead the charge against tyrannical government acts, and

WHEREAS, before long, people started joining the uprising and began pledging money and sending shovels to help dig out the springs and roads and stuff. In a passionate speech, designed to inflame public support, JC coined the words that were ultimately to become the battle cry of the movement, when he roared, "I'm upping my pledge, up yours!" and

WHEREAS, in answer to the prayers—as well as countless acts of rebellion, anarchism and sedition—of many Elkoans, JC was sent to the legislature to make sure that in the future no laws were passed that would have any effect on Elko County, whatsoever; and

WHEREAS, JC has always worked tirelessly to fulfill that duty and has—in effect—kept Elko safe for Democracy as well as safe from Democracy.

NOW, THEREFORE, there is hereby created Elko Cowship. (That's cowshippppp) This will be a quasi-governmental unit within the State of Nevada that will retain sovereign immunity and control over everything it feels like having sovereign immunity and control over.

Citizens of the Cowship will be required to have a strong, inflexible, conservative opinion on absolutely everything.

No taxes will be levied locally and no one will be required to pay state or federal taxes unless they want to. Spending will be allowed to continue, however.

The Cowship itself will be a designated EFZ—Environmental Free Zone. The Cowship will protect the health and safety of its citizens' by posting signs, where appropriate, advising them to drink upstream from the herd and not squat with their spurs on.

In the interest of public safety, young people will not be able to drive on public roads until their feet reach the pedals. Driver's education classes will be conducted in cow pastures—with, or without parental supervision—and it is not mandatory for anyone who is over the age of 11 and/or is married.

In the event uncontrollable wildfires necessitate the acceptance of outside government aid, posses will be formed to reinforce the concept that fires should be made smaller by that activity.

Travel will be unrestricted except that rights of way will be decided by whoever gets there first. Vehicle licenses will be unnecessary. To help owners identify their vehicles, they may paint on interesting remarks or they may brand them.

Laws governing postal services are not relevant as the Cowship has its own communications system, Elko Pony Service, when it absolutely, positively has to get there in the next month or two.

The Cowship will promote wholesome outdoor pursuits, including the stalking and assassination of various species of game and fish. It will also offer encouragement to goose....hunters

Cooperative agreements between the state and the Cowship will be allowed as long as the Cowship gets the best of the deal. To prove that intent, Elko is already making plans to join the state's efforts to outlaw nuclear suppositories.

Citizens, on limited incomes, may request a grant of up to 100% to help them deal with the rapidly accelerating cost of shovels. Grants may be repaid by spending time digging the mote around the county or by the donation of one or more alligators

Use of any navigable stream by citizen boat owners will be contingent only on whether or not water is present and whether or not the Suzi Q is already occupying it.

Laws requiring tedious, costly, criminal proceedings are hereby rescinded, but residents are encouraged to ask the people in their yard what their names are before they shoot them.

Dyed diesel fuel may be used anywhere by any motorist, miner or rancher without penalty, but failure to pay for gas at the gas pump is a hanging offense.

The right of citizens to own and bear arms is assured. The number of weapons a person can carry—concealed or in the open—is unlimited and any type of artillery is permissible. There will be no gun laws, and the only gun suggestion will be that the use of Howitzers be limited to special occasions. Compliance is on the honor system and anyone who does not comply is asked to please turn himself or herself in.

To demonstrate their fierce independence and to prove that no one can tell them what to do, Elkoans will continue to celebrate the Fifth of July.

As used in this section, Elkoans are any natural or unnatural persons who have either resided within the boundaries of the Cowship since birth or are current residents who have sworn allegiance to EEE principles. EEE is the ellipsis for "Everywhere Except Elko."

Citizens of the Cowship will be known as Cowshippers—not to be confused with Bullshippers, who are prevalent in other Nevada Counties and in the Legislature, or Cowchippers, which are found in disgusting abundance throughout the state.

This treaty becomes effective upon ratification by the parties hereto.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 48, 60, 209, 250, 326, 505, 510, 519, 555, 583, 620, 658; Senate Bills Nos. 87, 208, 319, 367, 428, 444, 464, 477, 494, 500, 505, 531, 573, 574; Senate Concurrent Resolution No. 52.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Baldwin, Janice Baldwin, Blake Baldwin, Trent Baldwin, Lori Baldwin, Jeff Taguchi and Jane Wisdom.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Keever, Kaitlin Lucky and Ryan Lucky.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia A. Manobat and Lisa A. Morris.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, June 4, 2001 at 10:00 a.m. in the memory of Joshua Spuehler.

Motion carried.

Assembly adjourned at 9:08 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 4, 2001

Assembly called to order at 11:47 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord, The screen reads, "the 120th Day of the 120-day session." It's almost over. It has taken 63 legislators, 500 employees and 800 lobbyists to present 1,250 bills, 150 resolutions and 1,200 amendments. We have sent out 25,000 pieces of mail, used 7 million sheets of copy paper, 8,000 gallons of drinking water and 1,500 boxes of Kleenex. It's almost over. When King Solomon was putting the finishing touches on Your first temple in Jerusalem and dedicating it to You, the people prayed and sang these words, "The Lord is good and His love never ends." As we put the final touches on this the Seventy-First Session of the Nevada State Legislature, I pray, "The Lord is good and His love never ends." We each pray in the Name of the One we hold dear. I pray in the Name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Concurrent Resolutions Nos. 3, 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 84, 109, 458, 465, 497, 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 174.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 460, Amendment No. 1234, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 550.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 653 and appointed Senators McGinness, Townsend and Neal as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 653.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 737 to Senate Bill No. 481.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1189 to Senate Bill No. 421.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1199 to Senate Bill No. 576.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1172 to Senate Bill No. 577.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Care, McGinness and Porter as a first Conference Committee concerning Senate Bill No. 49.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 49.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 83, and appointed Senators Rawson, O'Connell and Titus as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 83.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 99.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 377.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 399.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 524.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 554.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Concurrent Resolutions Nos. 3 and 21 be placed on the Resolution File.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 286, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McClain, Gustavson and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 286.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 577, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Brower and Ocegüera as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 577.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 3.

Resolution read.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1239.

Amend the resolution, page 1, line 12, by deleting “subcommittee” and inserting: “committee consisting of three members of the Assembly, two of whom are members of the Assembly Standing Committee on Judiciary and three members of the Senate, two of whom are members of the Senate Standing Committee on Judiciary,”.

Amend the resolution, page 1, line 26, by deleting “subcommittee;” and inserting “committee;”.

Amend the resolution, page 1, line 28, by deleting “subcommittee” and inserting “committee”.

Amend the resolution, page 2, line 2, by deleting “subcommittee;” and inserting “committee;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to Resolution File.

Assembly Concurrent Resolution No. 21.

Resolution read.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1240.

Amend the resolution, page 2, between lines 14 and 15, by inserting:

“RESOLVED, That the committee to conduct the study consists of eight members of the 71st Legislative Session to be appointed by the Legislative Commission as follows:

1. Four members of the Assembly, at least two of whom are members of the Assembly Standing Committee on Judiciary; and

2. Four members from the Senate, at least two of whom are members of the Senate Standing Committee on Judiciary; and be it further

RESOLVED, That the chairman of the committee may appoint a technical advisory committee to assist the committee in carrying out the study; and be it further”.

Amend the resolution, page 2, line 19, by deleting “parole; and” and inserting “parole;”.

Amend the resolution, page 2, line 21, by deleting: “and be it further”.

Amend the resolution, page 2, between lines 21 and 22, by inserting:

“3. The impact of race, color, religion, national origin, gender, economic status and geographic location of defendants in capital cases with respect to decisions concerning charging, prosecuting and sentencing;

4. Whether defendants who are under 18 years of age or who are mentally retarded at the time of committing an offense should be sentenced to death;

5. The competency and expertise of counsel to defendants in capital cases;

6. The adequacy of resources provided to defendants in capital cases;

7. Whether jurors have a proper and adequate understanding of the application of the law and of jury instructions in capital cases;

8. Whether rules pertaining to arguments during any phase of a trial are an impediment in capital cases;

9. Whether capital punishment serves as an effective deterrent against the commission of murder;

10. The expertise of judges that hear capital cases; and

11. The process of appealing a sentence of death; and be it further”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to Resolution File.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Humke, Collins and Smith as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 271.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 673—AN ACT relating to state employees; establishing the maximum allowed salaries for certain employees in the classified service and employees in the unclassified service of the state; making appropriations from the state general fund and the state highway fund to the state board of examiners for increases in the salaries of certain employees of the State of Nevada; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 7.

Resolution read third time.

Roll call on Senate Joint Resolution No. 7:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Roll call on Senate Bill No. 84:

YEAS—42.

NAYS—None.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Assemblyman Arberry moved that Senate Bill No. 109 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 458.

Bill read third time.

Roll call on Senate Bill No. 458:

YEAS—41.

NAYS—None.

EXCUSED—Brower.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 465.

Bill read third time.

Roll call on Senate Bill No. 465:

YEAS—41.

NAYS—None.

EXCUSED—Brower.

Senate Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 497.

Bill read third time.

Roll call on Senate Bill No. 497:

YEAS—40.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Brower.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 578.

Bill read third time.

Roll call on Senate Bill No. 578:

YEAS—42.

NAYS—None.

Senate Bill No. 578 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Joint Resolution No. 20 of the 70th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

SECOND READING AND AMENDMENT

Senate Joint Resolution No. 20 of the 70th Session.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 1238.

Amend the resolution, page 2, line 2, by deleting “*and*” and inserting “*or*”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Chowning moved that the Assembly do not recede from its action on Senate Bill No. 576, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Chowning.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Smith and Nolan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 576.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 460.

The following Senate amendment was read:

Amendment No. 1234.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 10 and 11 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

“Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, “committee” means the legislative committee on transportation.*

Sec. 3. 1. *There is hereby created a legislative committee on transportation. The committee consists of:*

(a) Four members appointed by the majority leader of the senate, at least two of whom must have served on the senate standing committee which had jurisdiction of issues relating to transportation during the immediately preceding session of the legislature.

(b) Four members appointed by the speaker of the assembly, at least two of whom must have served on the assembly standing committee which had jurisdiction of issues relating to transportation during the immediately preceding session of the legislature.

2. *The members of the committee shall elect a chairman and vice chairman from among their members. The chairman must be elected from one house of the legislature and the vice chairman from the other house. After the initial election of a chairman and vice chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall elect a replacement for the remainder of the unexpired term.*

3. *Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.*

4. *Vacancies on the committee must be filled in the same manner as the original appointments.*

Sec. 4. 1. *The members of the committee shall meet at least quarterly and at the times and places specified by a call of the chairman. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. Five members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.*

2. *Except during a regular or special session of the legislature, the members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the committee and while engaged in the business of the committee. The salaries and expenses of the members of the committee and any other expenses incurred by the committee in carrying out its duties must be paid from the state general fund from the money received from short-term lessors pursuant to NRS 482.313, except that the maximum amount that may be paid each fiscal year pursuant to this subsection must not exceed \$25,000. All claims pursuant to this subsection must be paid as other claims against the state are paid.*

Sec. 5. *The committee may:*

1. *Evaluate, review and comment upon issues related to transportation within this state.*

2. *Monitor the money deposited in, and any expenditures made from:*

(a) *The state highway fund; and*

(b) *The state general fund or any other fund, to the extent that the money deposited in the funds or expenditures made from the funds, or both, are related to transportation.*

3. *Consult with and make recommendations to the board of directors of the department of transportation on matters concerning transportation within this state.*

4. *Conduct investigations and hold hearings in connection with carrying out its duties pursuant to this section.*

5. *Direct the legislative counsel bureau to assist in its research, investigations, hearings and reviews.*

6. *Recommend to the legislature as a result of the activities of the committee any appropriate state legislation or corrective federal legislation.*

Sec. 6. *Each witness who appears before the committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record*

of this state. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the chairman of the committee.

Sec. 7. 1. If the committee conducts investigations or holds hearings pursuant to subsection 4 of section 5 of this act:

(a) The secretary of the committee or, in his absence, a member designated by the committee may administer oaths.

(b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or outside this state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The chairman of the committee, upon recommendation of a majority of the members of the committee, may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If a witness refuses to attend or testify or produce books or papers as required by the subpoena, the chairman of the committee may report to the district court by a petition which sets forth that:

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

(b) The witness has been subpoenaed by the committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books or papers required by the subpoena before the committee, or has refused to answer questions propounded to him.

The petition may request an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the chairman of the committee, upon recommendation of a majority of the members of the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

Sec. 8. NRS 408.100 is hereby amended to read as follows:

408.100 Recognizing that safe and efficient highway transportation is a matter of important interest to all the people of the state, and that an adequate highway system is a vital part of the national defense, the legislature hereby determines and declares that:

1. An integrated system of state highways and roads is essential to the general welfare of the state.

2. Providing such a system of facilities, its efficient management, maintenance and control is recognized as a problem and as the proper prospective of highway legislation.

3. Inadequate highways and roads obstruct the free flow of traffic, resulting in undue cost of motor vehicle operation, endangering the health and safety of the citizens of the state, depreciating property values, and impeding general economic and social progress of the state.

4. In designating the highways and roads of the state as provided in this chapter, the legislature places a high degree of trust in the hands of those officials whose duty it is, within the limits of available funds, to plan, develop, operate, maintain, control and protect the highways and roads of this state, for present as well as for future use.

5. To this end, it is the express intent of the legislature to make the board ~~[of directors of the department of transportation]~~, *in consultation with the legislative committee on transportation created pursuant to section 3 of this act*, custodian of the state highways and roads and to provide sufficiently broad authority to enable the board to function adequately and efficiently in all areas of appropriate jurisdiction, subject to the limitations of the constitution and the legislative mandate proposed in this chapter.

6. The legislature intends:

(a) To declare, in general terms, the powers and duties of the board, ~~[of directors]~~, leaving specific details to be determined by reasonable regulations and declarations of policy which the board may promulgate.

(b) By general grant of authority to the board ~~[of directors]~~ to delegate sufficient power and authority to enable the board to carry out, *in consultation with the legislative committee on transportation created pursuant to section 3 of this act*, the broad objectives contained in this chapter.

7. The problem of establishing and maintaining adequate highways and roads, eliminating congestion, reducing accident frequency and taking all necessary steps to ensure safe and convenient transportation on these public ways is no less urgent.

8. The legislature hereby finds, determines and declares that this chapter is necessary for the preservation of the public safety, the promotion of the general welfare, the improvement and development of facilities for transportation in the state, and other related purposes necessarily included therein, and as a contribution to the system of national defense.

9. The words “construction,” “maintenance” and “administration” used in section 5 of Article 9 of the constitution of the State of Nevada are broad enough to be construed to include and as contemplating the construction, maintenance and administration of the state highways and roads as established by this chapter and the landscaping, roadside improvements and planning surveys of the state highways and roads.

Sec. 9. NRS 408.203 is hereby amended to read as follows:

408.203 The director shall:

1. Compile a comprehensive report outlining the requirements for the construction and maintenance of highways for the next 10 years, including anticipated revenues and expenditures of the department, and submit it to the *legislative committee on transportation created pursuant to section 3 of this act and to the director of the legislative counsel bureau for transmittal to the chairmen of the senate and assembly standing committees on transportation.*

2. Compile a comprehensive report of the requirements for the construction and maintenance of highways for the next 3 years, including anticipated revenues and expenditures of the department, no later than October 1 of each even-numbered year, and submit it to the *legislative committee on transportation created pursuant to section 3 of this act and to the director of the legislative counsel bureau for transmittal to the chairmen of the senate and assembly standing committees on transportation.*

3. Report to the legislature by February 1 of odd-numbered years the progress being made in the department's 12-year plan for the resurfacing of state highways. The report must include an accounting of revenues and expenditures in the preceding 2 fiscal years, a list of the projects which have been completed, including mileage and cost, and an estimate of the adequacy of projected revenues for timely completion of the plan.”

Amend section 1, page 1, line 3, by deleting “shall” and inserting: “[~~shall~~] : (a) Shall”.

Amend section 1, page 1, by deleting line 6 and inserting: “governmental entity.

(b) *May charge and collect from the short-term lessee a fee of 3.5 percent of the total amount for which the passenger car was leased, excluding any taxes or other fees imposed by a governmental entity, as reimbursement for vehicle licensing fees and taxes paid by the short-term lessor.*

The amount of [~~the~~] any fee charged pursuant to this subsection must be indicated in the lease agreement.”.

Amend section 1, pages 1 and 2, by deleting lines 20 and 21 on page 1 and lines 1 through 13 on page 2, and inserting:

“(b) Remit to the department of taxation {:

(1) ~~One third of~~ the fees collected by the short-term lessor pursuant to paragraph (a) of subsection 1 during the immediately preceding [~~year pursuant to this section; and~~

(2) ~~Of the remainder of those fees, any amount in excess of the total amount of vehicle licensing fees and taxes paid by the short term lessor during the immediately preceding year pursuant to this chapter.] calendar quarter.”.~~

Amend section 1, page 2, line 14, by deleting “4.” and inserting “3.”.

Amend section 1, page 2, line 17, by deleting “[4.] 5.” and inserting “4.”.

Amend section 1, page 2, line 19, by deleting “[5.] 6.” and inserting “5.”.

Amend section 1, page 2, line 21, by deleting “[6.] 7.” and inserting “6.”.

Amend section 1, page 2, line 25, by deleting “[7.] 8.” and inserting “7.”.

Amend sec. 2, page 2, line 31, by deleting “1” and inserting “10”.

Amend the bill as a whole by deleting sec. 3 and adding new sections designated sections 12 and 13, following sec. 2, to read as follows:

“Sec. 12. The legislative committee on transportation created pursuant to section 3 of this act shall:

1. Monitor and evaluate the effects of the amendatory provisions of section 10 of this act; and

2. On or before January 31 of each odd-numbered year, submit a report of its evaluation to the director of the legislative counsel bureau for transmittal to the next regular session of the legislature.

Sec. 13. 1. This section and sections 1 to 9, inclusive, of this act become effective on July 1, 2001.

2. Sections 10, 11 and 12 of this act become effective on January 1, 2002.”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; creating the legislative committee on transportation; prescribing the membership, powers and duties of the committee; revising certain provisions concerning the board of directors of the department of transportation; revising provisions governing the remittance of fees by short-term lessors of passenger cars to the department of taxation; authorizing short-term lessors of passenger cars to charge a fee as reimbursement for payment of vehicle licensing fees and taxes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates legislative committee on transportation and revises provisions governing fees collected by short-term lessors of passenger cars. (BDR 17-589)”.

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 460.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

The following Senate amendment was read:

Amendment No. 1197.

Amend sec. 25, page 9, line 27, after “*that*” by inserting: “*the person charged with the offense*.”.

Amend sec. 29, page 11, line 46, after “*department*” by inserting: “*and any designee of the department*”.

Amend sec. 29, page 12, line 2, after “*department*” by inserting: “*or its designee*”.

Amend sec. 29, page 12, by deleting line 8 and inserting: “*The items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.*”

2. *Notwithstanding the provisions of subsection 1, the department or its designee may release the name and other identifying”.*

Amend sec. 29, page 12, line 11, after “department” by inserting: “or its designee”.

Amend the bill as a whole by adding new sections designated sections 30.1 through 30.5, following sec. 30, to read as follows:

“Sec. 30.1. 1. *The University of Nevada School of Medicine shall establish a program for the evaluation and research of the medical use of marijuana in the care and treatment of persons who have been diagnosed with a chronic or debilitating medical condition.*

2. *Before the School of Medicine establishes a program pursuant to subsection 1, the School of Medicine shall aggressively seek and must receive approval of the program by the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, to allow the creation of a federally approved research program for the use and distribution of marijuana for medical purposes.*

3. *A research program established pursuant to this section must include residents of this state who volunteer to act as participants and subjects, as determined by the School of Medicine.*

4. *A resident of this state who wishes to serve as a participant and subject in a research program established pursuant to this section may notify the School of Medicine and may apply to participate by submitting an application on a form prescribed by the department of administration of the School of Medicine.*

5. *The School of Medicine shall, on a quarterly basis, report to the interim finance committee with respect to:*

(a) *The progress made by the School of Medicine in obtaining federal approval for the research program; and*

(b) *If the research program receives federal approval, the status of, activities of and information received from the research program.*

Sec. 30.2. 1. *Except as otherwise provided in this section, the University of Nevada School of Medicine shall maintain the confidentiality of and shall not disclose:*

(a) *The contents of any applications, records or other written materials that the School of Medicine creates or receives pursuant to the research program described in section 30.1 of this act; or*

(b) *The name or any other identifying information of a person who has applied to or who participates in the research program described in section 30.1 of this act.*

The items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. *Notwithstanding the provisions of subsection 1, the School of Medicine may release the name and other identifying information of a person*

who has applied to or who participates in the research program described in section 30.1 to:

(a) Authorized employees of the State of Nevada as necessary to perform official duties related to the research program; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is a lawful participant in the research program.

Sec. 30.3. 1. The department of administration of the University of Nevada School of Medicine may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of section 30.1 of this act.

2. Any money the department of administration receives pursuant to subsection 1 must be deposited in the state treasury pursuant to section 30.4 of this act.

Sec. 30.4. 1. Any money the department of administration of the University of Nevada School of Medicine receives pursuant to section 30.3 of this act or that is appropriated to carry out the provisions of section 30.1 of this act:

(a) Must be deposited in the state treasury and accounted for separately in the state general fund;

(b) May only be used to carry out the provisions of section 30.1 of this act, including the dissemination of information concerning the provisions of that section and such other information as is determined appropriate by the department of administration; and

(c) Does not revert to the state general fund at the end of any fiscal year.

2. The department of administration of the School of Medicine shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the state are paid.

Sec. 30.5. The department shall vigorously pursue the approval of the Federal Government to establish:

1. A bank or repository of seeds that may be used to grow marijuana by persons who use marijuana in accordance with the provisions of sections 2 to 33, inclusive, of this act.

2. A program pursuant to which the department may produce and deliver marijuana to persons who use marijuana in accordance with the provisions of sections 2 to 33, inclusive, of this act.”.

Amend sec. 37, page 14, line 20, by deleting: “3, 4 and 5” and inserting: “3 [~~4 and 5~~] and 4”.

Amend sec. 37, page 15, line 17, by deleting “and” and inserting “or”.

Amend sec. 37, page 15, line 20, by deleting “treatment.” and inserting: “treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.”.

Amend sec. 37, page 15, line 22, by deleting “and” and inserting “or”.

Amend sec. 37, page 15, by deleting lines 25 through 27 and inserting:

“(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.”.

Amend sec. 38, page 15, line 33, after “inclusive,” by inserting: “and sections 2 to 12, inclusive, of *Senate Bill No. 397 of this [act] session*”.

Amend the bill as a whole by adding a new section designated sec. 48.5, following sec. 48, to read as follows:

“Sec. 48.5. 1. The 72nd session of the Nevada legislature shall review statistics provided by the legislative counsel bureau with respect to:

(a) Whether persons exempt from state prosecution pursuant to section 17 of this act have been subject to federal prosecution for carrying out the activities concerning which they are exempt from state prosecution pursuant to that section;

(b) The number of persons who participate in the medical use of marijuana in accordance with the provisions of sections 2 to 33, inclusive, of this act; and

(c) The number of persons who are arrested and convicted for drug related offenses within the State of Nevada, to enable appropriations for budgets to be established at levels to provide adequate and appropriate drug treatment within this state.

2. If, after conducting the review described in subsection 1, the 72nd session of the Nevada legislature determines that the medical use of marijuana in accordance with the provisions of sections 2 to 33, inclusive, of this act is not in the best interests of the residents of this state, the legislature shall revise those provisions as it deems appropriate.”.

Amend sec. 50, page 21, by deleting lines 25 and 26 and inserting:

“3. Sections 1 to 5, inclusive, 7 to 19, inclusive, 22 to 29, inclusive, 30.1 to 30.5, inclusive, 31, 31.3, 31.7, 33 to 36, inclusive, 38 to 47, inclusive, 48.5 and 49 of this act”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, Modern medical research, including the report *Marijuana and Medicine: Assessing the Science Base* that was released by the Institute of Medicine in 1999, indicates that there is a potential therapeutic value of using marijuana for alleviating pain and other symptoms associated with certain chronic or debilitating medical conditions, including, without limitation, cancer, glaucoma, acquired immunodeficiency syndrome, epilepsy and multiple sclerosis; and

WHEREAS, The State of Nevada has a high incidence of such medical conditions and also has a large and increasing population of senior citizens who may suffer from medical conditions for which the use of marijuana may be useful in managing the pain that results from those conditions; and

WHEREAS, The people of the State of Nevada recognized the importance of this research and the need to provide the option for those suffering from certain medical conditions to alleviate their pain with the medical use of marijuana, and in the general elections held in 1998 and 2000, voiced their overwhelming support for a constitutional amendment to allow for the medical use of marijuana in this state under certain circumstances; and

WHEREAS, While the legislature respects the important and difficult decisions the Federal Government faces in exercising the powers delegated to it by the United States Constitution to establish policies and rules that are in the best interest of this nation, the State of Nevada as a sovereign state has the duty to carry out the will of the people of this state and to regulate the health, medical practices and well-being of those people in a manner that respects their personal decisions concerning the relief of suffering through the medical use of marijuana; and

WHEREAS, This state should continue to study the benefits of the medical use of marijuana to develop new ways in which the medical use of marijuana may improve the lives of residents of this state who are suffering from chronic or debilitating conditions, and to include in such a study an examination of all established and approved federal protocols; and

WHEREAS, Many residents of this state have suffered the negative consequences of abuse of and addiction to marijuana, and it is important for the legislature to ensure that the program established for the distribution and medical use of marijuana is designed in such a manner as not to harm the residents of this state by contributing to the general abuse of and addiction to marijuana; and

WHEREAS, A majority of the men and women in our penal institutions have been convicted of offenses that involve the unlawful use of drugs, many involving marijuana, and there is a need for revising our statutes concerning persons who unlawfully possess smaller quantities of marijuana based on the premise that the rehabilitation of such users is a more appropriate and economical way to prevent recidivism and to address the problems that result from the abuse of marijuana; and

WHEREAS, The legislature is strongly committed to evaluating the medical use of marijuana and recognizes the importance of its obligation to review the program for the distribution and medical use of marijuana and any related study conducted by the University of Nevada School of Medicine, to determine whether the program and study are effectively addressing the best interests of the people of the State of Nevada; now, therefore,.”

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 453.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 83, consisting of the undersigned members, has met and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

JOHN OCEGUERA

GREG BROWER

BERNIE ANDERSON

Assembly Conference Committee

MARK A. JAMES

MIKE MCGINNESS

TERRY CARE

Senate Conference Committee

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 83.

Remarks by Assemblyman Ocegüera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Nolan and Ohrenschall as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 83.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 377, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA6, which is attached to and hereby made a part of this report.

KATHY MCCLAIN

DAWN GIBBONS

Assembly Conference Committee

MARK AMODEI

MAURICE E. WASHINGTON

VALERIE WIENER

Senate Conference Committee

Conference Amendment No. CA6.

Amend section 1, page 2, by deleting lines 6 through 9 and inserting:

“(2) Paragraph (c) of subsection 2 of NRS 422.387 is located, the county shall transfer:

(I) An amount equal to 75 percent of the total amount distributed to that hospital pursuant to that paragraph for a fiscal year, less \$75,000; or

(II) Any maximum amount established by the legislature for a fiscal year,

whichever is less, to the division of health care financing and policy.”.

Amend sec. 3, page 3, by deleting lines 23 through 29 and inserting:

“(c) For a payment to each private hospital whose Medicaid utilization percentage is greater than the average for all the hospitals in this state and which is located in a county that has a public hospital, in an amount equal to:

(1) *If the Medicaid utilization percentage of the hospital is greater than 20 percent, \$200 for each uncompensated day incurred by the hospital; and*

(2) *If the Medicaid utilization percentage of the hospital is 20 percent or less, \$100 for each uncompensated day incurred by the hospital.”.*

Amend sec. 3, page 3, by deleting lines 45 through 47.

Amend sec. 3, page 3, line 48, by deleting “(b)” and inserting “(a)”.

Amend sec. 3, page 4, between lines 2 and 3, by inserting:

“(b) *“Uncompensated day” means a day in which medical care is provided to an inpatient for which a hospital receives:*

(1) *Not more than 25 percent of the cost of providing that care from the patient; and*

(2) *No compensation for the cost of providing that care from any other person or any governmental program.”.*

Amend the bill as a whole by renumbering sections 5 through 8 as sections 6 through 9 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. The maximum amount a county is required to transfer to the division of health care financing and policy of the department of human resources pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 422.382 for:

1. The fiscal year 2001-2002 is \$900,000; and

2. The fiscal year 2002-2003 is \$950,000.”.

Amend sec. 5, page 5, by deleting lines 10 and 11 and inserting: “subsection 1 of NRS 422.382 may impose a tax on the revenue of those hospitals during the fiscal years”.

Amend sec. 5, page 5, by deleting line 13 and inserting: “revenue, to pay for indigent care.”.

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 377.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 399, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA18, which is attached to and hereby made a part of this report.

GENIE OHRENSCHALL
DON GUSTAVSON
JERRY D. CLABORN

Assembly Conference Committee

JON C. PORTER
MIKE MCGINNESS

Senate Conference Committee

Conference Amendment No. CA18.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public agency may commence an action in the name of the agency to recover the expense of an emergency response by the public agency against any person who knowingly:*

(a) Makes a false report to a public agency that a felony or misdemeanor has been committed or that an emergency exists; or

(b) Creates the false appearance that a felony or misdemeanor has been committed or that an emergency exists, and that false appearance causes a false report to be made to a public agency that a felony or misdemeanor has been committed or that an emergency exists.

2. *A civil action may be brought pursuant to this section even if there has been no criminal conviction for the false report.*

3. *If a public agency prevails in an action brought pursuant to this section, the court may award the public agency the costs of the action and reasonable attorney’s fees.*

4. *As used in this section:*

(a) “Expense of an emergency response” includes, without limitation, the reasonable costs incurred by a public agency in making an appropriate response to or investigation of a false report, including, without limitation, the salary or wages of any person responding to or investigating a false report, the deemed wages of any volunteer of a public agency participating in the response or investigation, the costs for use or operation of any equipment and the costs for the use or expenditure of any resources, fuel or other materials.

(b) “Public agency” means an agency, bureau, board, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, fire-fighting, rescue or emergency medical services.”.

Amend sec. 2, page 2, line 25, by deleting “or disseminated”.

Assemblywoman Ohrenschall moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 399.

Remarks by Assemblywoman Ohrenschall.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 131.

The following Senate amendment was read:

Amendment No. 941.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a board of county commissioners determines that a nuisance or other condition described in NRS 244.3601, 244.3603 or 244.3605 requires the relocation of tenants, the board may arrange for the relocation of the tenants and may, in accordance with subsection 2, recover the cost of such relocation from the person determined by the board to be primarily responsible for creating the nuisance or other condition that required the relocation of the tenants.

2. Before a board of county commissioners recovers from a person the cost of relocating tenants, the board shall:

(a) Send notice, by certified mail, return receipt requested, to the person from whom the board seeks to recover the cost of the relocation, setting forth the date by which the person must remit payment to the county; and

(b) Afford the person from whom the board seeks to recover the cost of the relocation an opportunity for a hearing before the designee of the board and an appeal of that decision to the board.

The date specified in the notice by which the person must remit payment to the county is tolled for the period during which the person requests a hearing and receives a decision.

3. If a person appeals the decision of the designee to the board as described in paragraph (b) of subsection 2 and is aggrieved by the determination of the board, the person may, within 30 days after the making of the determination, appeal to the district court of the county. A judicial review authorized pursuant to this subsection must be limited to whether the determination was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.”.

Amend section 1, pages 1 and 2, by deleting lines 5 through 9 on page 1 and lines 1 through 4 on page 2, and inserting:

“that ~~is determined to be an imminent danger to the surrounding neighborhood by~~ at least three persons ~~[appointed by the board]~~ who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department ~~[.]~~ determine in a signed, written statement to be an imminent danger to the surrounding neighborhood. The owner of the property on which the structure or condition is located must be given reasonable written notice ~~[at least 72 hours]~~ that is:

(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or

(b) Posted on the property,
before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

2. The costs of securing the structure or condition may be made”.

Amend sec. 2, page 2, by deleting lines 39 through 43 and inserting: “property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and ~~[emergency]~~ action is necessary to avoid ~~[immediate]~~ *serious* threat to the public welfare or the safety ~~[]~~ *or health of the occupants of the property*, the court ~~[shall]~~ *may* order the county to secure and close the property”.

Amend sec. 2, page 3, by deleting lines 2 and 3 and inserting: “county in abating the condition; and”.

Amend sec. 3, page 4, by deleting lines 25 and 26 and inserting: “property if the owner fails to abate the condition.”.

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 4, to read as follows:

“Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The governing body of each city which is located in a county whose population is 100,000 or more may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to seek:*

(a) *The abatement of an abandoned nuisance that is located or occurring within the city;*

(b) *The repair, safeguarding or demolition of any structure or property where an abandoned nuisance is located or occurring within the city;*

(c) *Authorization for the city to take the actions described in paragraphs (a) and (b);*

(d) *Civil penalties against an owner of any structure or property where an abandoned nuisance is located or occurring within the city; and*

(e) *Any other appropriate relief.*

2. *An ordinance adopted pursuant to subsection 1 must:*

(a) *Contain procedures pursuant to which the owner of the property is:*

(1) *Sent notice, by certified mail, return receipt requested, by a person authorized by the city to issue a citation of the existence on his property of three or more abandoned nuisance activities and the date by which he must abate the abandoned nuisance to prevent the matter from being submitted to the city attorney for legal action; and*

(2) *Afforded an opportunity for a hearing before a court of competent jurisdiction.*

(b) *Provide that the date specified in the notice by which the owner must abate the abandoned nuisance is tolled for the period during which the owner requests a hearing and receives a decision.*

(c) *Provide the manner in which the city will, if the owner fails to abate the abandoned nuisance, recover money expended for labor and materials used to:*

(1) *Abate the abandoned nuisance on the property; or*

(2) *If applicable, repair, safeguard or demolish a structure or property where the abandoned nuisance is located or occurring.*

3. *If the court finds that an abandoned nuisance exists, the court shall order the owner of the property to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring, and may:*

(a) *If applicable, order the owner of the property to pay reasonable expenses for the relocation of any tenants who occupy the property legally and who are affected by the abandoned nuisance;*

(b) *If the owner of the property fails to comply with the order:*

(1) *Direct the city to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring; and*

(2) *Order the owner of the property to pay the city for the cost incurred by the city in taking the actions described in subparagraph (1); and*

(c) *Order any other appropriate relief.*

4. *In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the abandoned nuisance, the governing body of the city may provide that the expense is a lien upon the property upon which such an abandoned nuisance is located or occurring. The lien must be perfected by:*

(a) *Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his last known address, as determined by the real property assessment roll in the county in which the property is located; and*

(b) *Filing with the county recorder of the county in which the property is located, a statement of the amount due and unpaid and describing the property subject to the lien.*

5. *As used in this section:*

(a) *An “abandoned nuisance” exists on any property where a building or other structure is located on the property, the property is located in a city that is in a county whose population is 100,000 or more, the property has been vacant or substantially vacant for 2 years or more and:*

(1) *Three or more abandoned nuisance activities exist or have occurred on the property during any 12-month period; or*

(2) *A person associated with the property has caused or engaged in three or more abandoned nuisance activities during any 12-month period on the property or within 100 feet of the property.*

(b) *“Abandoned nuisance activity” means:*

(1) *Instances of unlawful breaking and entering or occupancy by unauthorized persons;*

(2) *The presence of graffiti, debris, litter, garbage, rubble, abandoned materials, inoperable vehicles or junk appliances;*

(3) *The presence of unsanitary conditions or hazardous materials;*

(4) *The lack of adequate lighting, fencing or security;*

(5) *Indicia of the presence or activities of gangs;*
 (6) *Environmental hazards;*
 (7) *Violations of city codes, ordinances or other adopted policy; or*
 (8) *Any other activity, behavior, conduct or condition defined by the governing body of the city to constitute a threat to the health, safety or welfare of the residents of or visitors to the city.*

(c) *“Person associated with the property” means a person who, on the occasion of an abandoned nuisance activity, has:*

(1) *Entered, patronized or visited;*
 (2) *Attempted to enter, patronize or visit; or*
 (3) *Waited to enter, patronize or visit, a property or a person present on the property.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to local governments; expanding the authority of the board of county commissioners of a county to abate nuisances, dangerous structures and dangerous conditions; authorizing the recovery of any applicable costs for the relocation of tenants incurred by the county in abating certain conditions; providing that a board of county commissioners may levy a special assessment to collect costs incurred by the county in abating certain conditions instead of imposing a lien; authorizing a board of county commissioners to adopt certain housing codes; expanding the authority of the governing body of certain cities to abate certain types of nuisances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Expands authority of counties and cities to abate certain conditions on real property. (BDR 22-149)”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 131.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 637, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

DOUGLAS A. BACHE
 CHRIS GIUNCHIGLIANI
 GREG BROWER

Assembly Conference Committee

DINA TITUS
 ANN O'CONNELL
 TERRY CARE

Senate Conference Committee

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 637.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1132.

Amend sec. 11, page 2, line 39, before "*The*" by inserting:

"The rules must include, without limitation, rules relating to the administration of the retirement plans in accordance with federal law."

Amend sec. 13, page 3, by deleting line 16 and inserting: "*fund, all money submitted to the system for deposit in the fund pursuant to section 13.5 of this act and all income accruing to the fund from all other sources must be*".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. 1. *Beginning July 1, 2003, the court administrator shall submit to the system for deposit in the judicial retirement fund on behalf of each member of the system the percentage of compensation of the member that is determined by the actuary of the system to be required to pay the normal cost incurred in making payments pursuant to subsection 5 of section 13 of this act and any administrative expenses of the system. Such payments must be:*

(a) Accompanied by payroll reports that include information deemed necessary by the board to carry out its duties; and

(b) Received by the system not later than 15 days after the calendar month for which the compensation and service credits of members of the system are reported and certified by the court administrator. The compensation must be reported separately for each month that it is paid.

2. *Beginning July 1, 2003, the court administrator shall pay to the system for deposit in the judicial retirement fund from any fund created for the purpose of paying pension benefits to justices of the supreme court or district judges an amount as the contribution of the State of Nevada as employer which is actuarially determined to be sufficient to provide the system with enough money to pay all benefits for which the system will be liable."*

Amend sec. 19, page 4, line 27, by deleting "*member,*" and inserting: "*member of the system,*".

Amend sec. 19, page 4, line 32, by deleting "*judge.*" and inserting: "*judge that are maintained by the court administrator.*".

Amend sec. 23, page 6, by deleting lines 31 through 37 and inserting: *“retirement plan if he gives written notice to the board of his intention to withdraw from the public employees’ retirement system and to become a member of the judicial retirement plan. Such notice must be given to the board within the time set forth in subsection 3 and must be given the first time that the justice or judge is elected or appointed while he is a member of the public employees’ retirement system.”*

2. *A justice or judge may not become a member of the judicial retirement plan pursuant to subsection 1 if he has previously been elected or appointed on or after November 5, 2002, and taken office on or after January 1, 2003, while he was a member of the public employees’ retirement system and he did not give notice of his intention to withdraw from the public employees’ retirement system and to become a member of the judicial retirement plan in the manner set forth in this section.”*

Amend sec. 23, page 6, line 38, by deleting “2.” and inserting “3.”

Amend sec. 23, page 6, line 40, after “year” by inserting “immediately”.

Amend sec. 23, page 6, line 44, by deleting “3.” and inserting “4.”

Amend sec. 23, page 6, by deleting lines 46 through 48 and inserting: *“system, it shall transfer from the public employees’ retirement fund to the judicial retirement plan the accrued actuarial liability and credit for service earned by the justice or judge while a member of the public employees’ retirement system as determined by an actuary of the judicial retirement system. The service so”*.

Amend sec. 23, page 7, line 3, by deleting “4.” and inserting “5.”

Amend sec. 23, page 7, line 5, by deleting “5.” and inserting “6.”

Amend sec. 23, page 7, by deleting line 7 and inserting: *“both this chapter and chapter 286 of NRS.”*

Amend sec. 23, page 7, line 8, by deleting “6.” and inserting “7.”

Amend sec. 25, page 7, line 31, after “may” by inserting: *“, except as otherwise provided in subsection 2,”*.

Amend sec. 25, page 7, line 34, after “2.” by inserting: *“A justice or judge may purchase creditable service pursuant to subsection 1 only if, at the time of the purchase, he is employed in a position whose occupant is eligible for membership in the judicial retirement plan.*

3.”

Amend sec. 25, page 7, between lines 46 and 47, by inserting:

“4. If a member of the judicial retirement plan enters into an agreement whereby he agrees to pay for the purchase of service credit in installments and he defaults on that agreement, the member is entitled to receive service credit in the proportion that the principal paid bears to the principal due under the agreement.”

Amend sec. 27, page 8, by deleting lines 4 and 5 and inserting: *“begins on the day his term of office begins and terminates on the day his term of office expires, unless sooner terminated on the day of”*.

Amend sec. 29, page 8, line 15, by deleting “service,” and inserting “service”.

Amend sec. 29, page 8, line 21, by deleting “under” and inserting “pursuant to”.

Amend sec. 29, page 8, line 25, by deleting “under” and inserting “pursuant to”.

Amend sec. 30, page 8, line 30, by deleting “3” and inserting “4”.

Amend sec. 30, page 8, line 31, by deleting “section 31” and inserting: “sections 31 and 31.5”.

Amend sec. 30, page 8, line 40, after “3.” by inserting: “*If a retired justice or judge who accepts employment as a justice of the supreme court or district judge in a judicial capacity pursuant to this section elects not to reenroll in the judicial retirement plan pursuant to subsection 1 of section 31 of this act, the court administrator may pay contributions on behalf of the retired justice or judge to a retirement fund which is not a part of the judicial retirement plan in an amount not to exceed the amount of the contributions that the court administrator would pay to the system on behalf of a participating justice or judge who is employed in a similar position.*”

4.”.

Amend the bill as a whole by adding a new section designated sec. 31.5, following sec. 31, to read as follows:

“Sec. 31.5. 1. *The provisions of subsection 1 of section 30 of this act do not apply to a retired justice or judge who accepts employment as a justice of the supreme court or district judge in a judicial capacity if:*

(a) *He fills a position for which there is a critical labor shortage; and*

(b) *At the time of his reemployment, he is receiving:*

(1) *An unmodified benefit; or*

(2) *A benefit actuarially reduced pursuant to subsection 2 of section 29 of this act and has reached the required age at which he could have retired with an unmodified benefit.*

2. *A retired justice or judge who is reemployed under the circumstances set forth in subsection 1 may reenroll in the judicial retirement plan as provided in section 31 of this act.*

3. *The supreme court shall designate positions in the judicial branch of state government for which there are critical labor shortages.”.*

Amend sec. 54, page 17, line 5, by deleting “accredited contributing” and inserting “creditable”.

Amend sec. 54, page 17, lines 6 and 7, by deleting “accredited contributing” and inserting “creditable”.

Amend sec. 54, page 17, line 20, by deleting “contributing” and inserting “creditable”.

Amend sec. 54, page 17, line 21, by deleting “under” and inserting “pursuant to”.

Amend sec. 54, page 17, between lines 24 and 25 by inserting:

“4. As used in this section, “dependent” includes a survivor beneficiary designated pursuant to section 57.2 of this act.”.

Amend sec. 57, page 18, line 15, by deleting “accredited contributing” and inserting “creditable”.

Amend the bill as a whole by adding new sections designated sections 57.2 through 57.8, following sec. 57, to read as follows:

“Sec. 57.2. An unmarried member of the judicial retirement plan may designate, in writing, a survivor beneficiary to receive the payments provided pursuant to section 57.4, 57.6 or 57.8 of this act if the member is unmarried on the date of his death. A designation pursuant to this section must be made on a form approved by the executive officer of the board.

Sec. 57.4. 1. The survivor beneficiary of a deceased member of the judicial retirement plan is entitled to receive a cumulative benefit of at least \$450 per month. The payments must begin on the first day of the month immediately following the death of the member and must cease on the last day of the month in which the survivor beneficiary dies.

2. The benefits paid pursuant to this section are in addition to any benefits paid pursuant to section 55 of this act.

3. As used in this section, “survivor beneficiary” means a person designated pursuant to section 57.2 of this act.

Sec. 57.6. 1. The survivor beneficiary of a deceased member of the judicial retirement plan who had 10 or more years of creditable service is entitled to receive a monthly allowance equivalent to that provided by:

(a) Option 3 in section 38 of this act, if the deceased member had less than 15 years of service on the date of his death; or

(b) Option 2 in section 38 of this act, if the deceased member had 15 or more years of service on the date of his death.

To apply the provisions of Options 2 and 3, the deceased member shall be deemed to have retired on the date of his death immediately after having named the survivor beneficiary as beneficiary pursuant to the applicable option. This benefit must be computed without any reduction for age for the deceased member. The benefits provided by this subsection must be paid to the survivor beneficiary for the remainder of the life of the survivor beneficiary.

2. The survivor beneficiary may elect to receive the benefits provided by any one of the following only:

(a) This section; or

(b) Section 57.4 of this act.

3. As used in this section, “survivor beneficiary” means a person designated pursuant to section 57.2 of this act.

Sec. 57.8. 1. The survivor beneficiary of a deceased member of the judicial retirement plan who was fully eligible to retire, both as to service and age, is entitled to receive a monthly allowance equivalent to that provided by Option 2 in section 38 of this act. This section does not apply to the survivor beneficiary of a member who was eligible to retire only pursuant

to subsection 2 of section 29 of this act. For the purposes of applying the provisions of Option 2, the deceased member shall be deemed to have retired on the date of his death immediately after having named the survivor beneficiary as beneficiary pursuant to Option 2. The benefits provided by this section must be paid to the survivor beneficiary for the remainder of the life of the survivor beneficiary. The survivor beneficiary may elect to receive the benefits provided by any one of the following only:

- (a) This section;
- (b) Section 57.4 of this act; or
- (c) Section 57.6 of this act.

2. As used in this section, “survivor beneficiary” means a person designated pursuant to section 57.2 of this act.”.

Amend sec. 58, page 18, line 34, by deleting “option” and inserting “Option”.

Amend sec. 58, page 18, line 37, by deleting “option” and inserting “Option”.

Amend sec. 58, page 18, line 39, by deleting “option” and inserting “Option”.

Amend sec. 59, page 18, line 46, by deleting “under” and inserting “pursuant to”.

Amend sec. 59, page 18, line 47, by deleting: “56 or 57” and inserting: “56, 57, 57.4 or 57.6”.

Amend sec. 59, page 19, line 2, by deleting “under” and inserting “pursuant to”.

Amend sec. 61, page 19, by deleting lines 13 through 15 and inserting:

“Sec. 61. 1. The retirement allowance for a member of the judicial retirement plan becomes vested on the date that the member completes 5 years of creditable service.”.

Amend sec. 61, page 19, line 18, by deleting “accredited contributing” and inserting “creditable”.

Amend sec. 63, page 19, by deleting lines 37 through 44 and inserting:

“~~1-1~~ (a) Claims of justices of the supreme court pursuant to NRS ~~[2.050 and 2.060.~~

~~2-1~~ 2.060.

(b) Claims pursuant to NRS 2.070 and section 15 of Senate Bill No. 349 of this ~~act.~~

~~3-1~~ session.

(c) Claims of judges of the district courts pursuant to NRS ~~[3.030 and 3.090.~~

~~4-1~~ 3.090.

(d) Claims pursuant to NRS 3.095 and section 16 of Senate Bill No. 349 of this ~~act.~~ session.”.

Amend sec. 64, page 20, line 3, by deleting “inclusive.” and inserting: “inclusive, and section 15 of Senate Bill No. 349 of this session.”.

Amend sec. 69, page 22, line 42, by deleting “inclusive.” and inserting: “inclusive, and section 16 of Senate Bill No. 349 of this session.”.

Amend sec. 78, page 28, line 30, by deleting “30” and inserting “60”.

Amend sec. 80, page 30, line 9, by deleting “date” and inserting “date.”.

Amend sec. 80, page 30, line 20, by deleting “30” and inserting “60”.

Amend sec. 80, page 30, line 33, after “inclusive,” by inserting: “and section 3 of Assembly Bill No. 452 of this ~~act~~ session”.

Amend the bill as a whole by adding new sections designated sections 82.1 through 82.6, following sec. 82, to read as follows:

“Sec. 82.1. Section 30 of this act is hereby amended to read as follows:

Sec. 30. 1. Except as otherwise provided in subsection 4 and ~~sections 31 and 31.5~~ section 31 of this act, if a retired justice or judge accepts employment as a justice of the supreme court or district judge in any judicial capacity, including, without limitation, employment as a senior justice or senior judge of the Nevada court system, he is disqualified from receiving any allowances under the judicial retirement plan for the duration of his active service.

2. If a retired justice or judge accepts any employment other than that described in subsection 1, the justice or judge is entitled to the same allowances as a retired justice or judge who has no employment.

3. If a retired justice or judge who accepts employment as a justice of the supreme court or district judge in a judicial capacity pursuant to this section elects not to reenroll in the judicial retirement plan pursuant to subsection 1 of section 31 of this act, the court administrator may pay contributions on behalf of the retired justice or judge to a retirement fund which is not a part of the judicial retirement plan in an amount not to exceed the amount of the contributions that the court administrator would pay to the system on behalf of a participating justice or judge who is employed in a similar position.

4. The system may waive for one period of 30 days or less a retired justice’s or judge’s disqualification under this section if the chief justice of the supreme court certifies in writing, in advance, that the retired justice or judge is recalled to meet an emergency and that no other qualified person is immediately available.

Sec. 82.2. Section 4 of Senate Bill No. 349 of this session is hereby amended to read as follows:

Sec. 4. 1. *Except as limited by subsection 3, the survivor beneficiary of a deceased member who had 10 or more years of accredited contributing service is entitled to receive a monthly allowance equivalent to that provided by:*

(a) Option 3 in NRS 286.590, if the deceased member had less than 15 years of service on the date of his death; or

(b) Option 2 in NRS 286.590, if the deceased member had 15 or more years of service on the date of his death.

To apply the provisions of Options 2 and 3, the deceased member shall be deemed to have retired on the date of his death immediately after having

named the survivor beneficiary as beneficiary pursuant to the applicable option. This benefit must be computed without any reduction for age for the deceased member. The benefits provided by this subsection must be paid to the survivor beneficiary for the remainder of the life of the survivor beneficiary.

2. The survivor beneficiary may elect to receive the benefits provided by any one of the following only:

- (a) This section;*
- (b) Section 3 of this act; or*
- (c) Section 6 of this act.*

3. The benefits provided by paragraph (a) of subsection 1 may only be paid to the survivor beneficiary of a member who died on or after January 1, 2002.

4. As used in this section, "survivor beneficiary" means a person designated pursuant to section 2 of this act.

Sec. 82.3. Section 15 of Senate Bill No. 349 of this session is hereby amended to read as follows:

Sec. 15. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An unmarried justice of the supreme court may designate, in writing, a survivor beneficiary to receive the payments provided pursuant to this section if the justice is unmarried on the date of his death. A designation pursuant to this section must be made on a form approved by the court administrator.

2. If a justice of the supreme court at the time of his death had retired and was then receiving a pension pursuant to the provisions of NRS 2.060, or if at the time of his death the justice had not retired but had performed sufficient service for retirement pursuant to the provisions of NRS 2.060, the survivor beneficiary designated pursuant to subsection 1, if the survivor beneficiary has attained the age of 60 years, is entitled, until his death, to receive monthly payments of \$2,500 per month.

3. If a survivor beneficiary of a justice is not eligible to receive benefits pursuant to subsection 2, he is entitled, until his death or until he becomes eligible to receive those benefits, to receive payments equal in amount to the payment provided in subsection 1 of section 3 of this act for the survivor beneficiary of a deceased member of the public employees' retirement system.

4. To obtain these benefits, the survivor beneficiary must make application to the board, commission or authority entrusted with the administration of the judges' pensions and furnish such information as may be required pursuant to reasonable regulations adopted for the purpose of carrying out the intent of this section.

5. Any person receiving a benefit pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those

provided for persons retired pursuant to the public employees' retirement system.

6. It is the intent of this section that no special fund be created for the purpose of paying these benefits, and all payments made pursuant to the provisions of this section are to be made out of and charged to any fund created for the purpose of paying pension benefits to justices of the supreme court.

Sec. 82.4. Section 15 of Senate Bill No. 349 of this session is hereby amended to read as follows:

Sec. 15. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An unmarried justice of the supreme court may designate, in writing, a survivor beneficiary to receive the payments provided pursuant to this section if the justice is unmarried on the date of his death. A designation pursuant to this section must be made on a form approved by the court administrator.

2. If a justice of the supreme court at the time of his death had retired and was then receiving a pension pursuant to the provisions of NRS 2.060, or if at the time of his death the justice had not retired but had performed sufficient service for retirement pursuant to the provisions of NRS 2.060, the survivor beneficiary designated pursuant to subsection 1, if the survivor beneficiary has attained the age of 60 years, is entitled, until his death, to receive monthly payments of \$2,500 per month.

3. If a survivor beneficiary of a justice is not eligible to receive benefits pursuant to subsection 2, he is entitled, until his death or until he becomes eligible to receive those benefits, to receive payments equal in amount to the payment provided in subsection 1 of section 3 of this act for the survivor beneficiary of a deceased member of the public employees' retirement system.

4. To obtain these benefits, the survivor beneficiary must make application to the ~~{board, commission or authority entrusted with the administration of the judges' pensions}~~ *executive officer of the public employees' retirement board* and furnish such information as may be required pursuant to reasonable regulations adopted for the purpose of carrying out the intent of this section.

5. Any person receiving a benefit pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired pursuant to the public employees' retirement system.

6. It is the intent of this section that no special fund be created for the purpose of paying these benefits, and all payments made pursuant to the provisions of this section are to be made out of and charged to ~~{any fund created for the purpose of paying pension benefits to justices of the supreme court.}~~ *the judicial retirement fund established pursuant to section 13 of Assembly Bill No. 232 of this session.*

Sec. 82.5. Section 16 of Senate Bill No. 349 of this session is hereby amended to read as follows:

Sec. 16. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An unmarried district judge may designate, in writing, a survivor beneficiary to receive the payments provided pursuant to this section if the judge is unmarried on the date of his death. A designation pursuant to this section must be made on a form approved by the court administrator.*

2. *If a district judge at the time of his death had retired and was then receiving a pension pursuant to the provisions of NRS 3.090, or if at the time of his death the judge had not retired but had performed sufficient service for retirement pursuant to the provisions of NRS 3.090, the survivor beneficiary designated pursuant to subsection 1, if the survivor beneficiary has attained the age of 60 years, is entitled, until his death, to receive monthly payments of \$2,500 per month.*

3. *If a survivor beneficiary of a judge is not eligible to receive benefits pursuant to subsection 2, he is entitled, until his death or until he becomes eligible to receive those benefits, to receive payments equal in amount to the payment provided in subsection 1 of section 3 of this act for the survivor beneficiary of a deceased member of the public employees' retirement system.*

4. *To obtain these benefits, the survivor beneficiary must make application to the board, commission or authority entrusted with the administration of the judges' pensions and furnish such information as may be required pursuant to reasonable regulations adopted for the purpose of carrying out the intent of this section.*

5. *Any person receiving a benefit pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired pursuant to the public employees' retirement system.*

6. *It is the intent of this section that no special fund be created for the purpose of paying these benefits, and all payments made pursuant to the provisions of this section are to be made out of and charged to any fund created for the purpose of paying pension benefits to district judges.*

Sec. 82.6. Section 16 of Senate Bill No. 349 of this session is hereby amended to read as follows:

Sec. 16. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An unmarried district judge may designate, in writing, a survivor beneficiary to receive the payments provided pursuant to this section if the judge is unmarried on the date of his death. A designation pursuant to this section must be made on a form approved by the court administrator.

2. If a district judge at the time of his death had retired and was then receiving a pension pursuant to the provisions of NRS 3.090, or if at the time of his death the judge had not retired but had performed sufficient service for retirement pursuant to the provisions of NRS 3.090, the survivor beneficiary designated pursuant to subsection 1, if the survivor beneficiary has attained

the age of 60 years, is entitled, until his death, to receive monthly payments of \$2,500 per month.

3. If a survivor beneficiary of a judge is not eligible to receive benefits pursuant to subsection 2, he is entitled, until his death or until he becomes eligible to receive those benefits, to receive payments equal in amount to the payment provided in subsection 1 of section 3 of this act for the survivor beneficiary of a deceased member of the public employees' retirement system.

4. To obtain these benefits, the survivor beneficiary must make application to the ~~{board, commission or authority entrusted with the administration of the judges' pensions}~~ *executive officer of the public employees' retirement fund* and furnish such information as may be required pursuant to reasonable regulations adopted for the purpose of carrying out the intent of this section.

5. Any person receiving a benefit pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired pursuant to the public employees' retirement system.

6. It is the intent of this section that no special fund be created for the purpose of paying these benefits, and all payments made pursuant to the provisions of this section are to be made out of and charged to ~~{any fund created for the purpose of paying pension benefits to district judges.}~~ *the judicial retirement fund established pursuant to section 13 of Assembly Bill No. 232 of this session."*

Amend the bill as a whole by adding a new section designated sec. 84.5, following sec. 84, to read as follows:

"Sec. 84.5. 1. From January 1, 2003, through June 30, 2003, the court administrator shall submit to the judicial retirement system for deposit in the judicial retirement fund created pursuant to section 13 of this act on behalf of each member of the judicial retirement system 25.6 percent of the compensation of the member. Such payments must be:

(a) Deposited in the fund;

(b) Accompanied by payroll reports that include information deemed necessary by the public employees' retirement board to carry out its duties; and

(c) Received by the judicial retirement system not later than 15 days after the calendar month for which the compensation and service credits of members of the judicial retirement system are reported and certified by the court administrator. The compensation must be reported separately for each month that it is paid.

2. As used in this section, "compensation" means the salary paid to a justice of the supreme court or district judge by this state including:

(a) Base pay, which is the monthly rate of pay excluding all fringe benefits;

(b) Additional payment for longevity; and

(c) Payment for extra duty assignments if it is the standard practice of this state to include such pay in the employment contract or official job description for the calendar year in which it is paid and such pay is specifically included in the justice's or judge's employment contract or official job description.

3. The term "compensation" does not include any type of payment not specifically described in subsection 2."

Amend sec. 85, page 32, line 15, by deleting "\$14,342,070" and inserting "\$5,000,000".

Amend sec. 86, page 32, by deleting lines 19 through 22 and inserting:

"Sec. 86. 1. This section and sections 13, 82.2, 82.3, 82.5 and 85 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, 13.5 to 82, inclusive, 82.4, and 82.6 to 84.5, inclusive, of this act become effective on January 1, 2003.

3. Section 31.5 of this act expires by limitation on June 30, 2005.

4. Section 82.1 of this act becomes effective on July 1, 2005."

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 671, 672, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 671.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Assembly Bill No. 671:

YEAS—42.

NAYS—None.

Assembly Bill No. 671 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 672.

Bill read third time.

Roll call on Assembly Bill No. 672:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 672 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 584, 585, 586; Assembly Bill No. 175.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 606 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 584.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 585.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 586.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:35 p.m.

ASSEMBLY IN SESSION

At 12:41 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 606.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1253.

Amend the bill as a whole by deleting sec. 12 and inserting:

“Sec. 12. (Deleted by amendment.)”.

Amend sec. 18, page 9, by deleting lines 17 through 33 and inserting:

"1	Clark		\$68,580	\$145,000		\$130,000		
	\$91,440	\$91,440	\$91,440	\$91,440	\$91,440			
2	Washoe		50,292	128,000	107,000	83,820	83,820	
	83,820	83,820	83,820					
3	Carson City		22,860	91,897	76,200	65,227	65,227	- - - -
-	65,227	-----						
	Churchill		22,860	91,897	76,200	65,227	65,227	
	65,227	-----	-----					
	Douglas		22,860	91,897	76,200	65,227	65,227	
	65,227	-----	-----					
	Elko	22,860	91,897	76,200	65,227	65,227	65,227	
	65,227	-----						
	Lyon	22,860	91,897	76,200	65,227	65,227	65,227	- - - -
-	-----							
	Nye	22,860	91,897	76,200	65,227	65,227	65,227	65,227 - - - -
-								
	Humboldt		22,860	91,897	76,200	65,227	65,227	
	65,227	65,227	-----					
4	Lander		22,860	86,792	68,580	54,407	54,407	
	54,407	54,407	-----					
	White Pine		22,860	86,792	68,580	54,407	54,407	
	54,407	54,407	-----					
5	Eureka		19,355	76,581	54,864	48,768	48,768	
	48,768	-----	-----					
	Lincoln		19,355	76,581	54,864	48,768	48,768	
	48,768	48,768	-----					
	Mineral		19,355	76,581	54,864	48,768	48,768	
	48,768	-----	-----					
	Pershing		19,355	76,581	54,864	48,768	48,768	
	48,768	-----	-----					
	Storey	19,355	76,581	54,864	48,768	48,768	48,768	- - - -
-	-----							
6	Esmeralda		15,240	60,808	48,768	42,672	42,672	
	42,672	-----	-----	-----				

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywomen Giunchigliani, Gibbons and Hettrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 195, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA25, which is attached to and hereby made a part of this report.

ELLEN M. KOIVISTO

BONNIE L. PARNELL

MERLE BERMAN

Assembly Conference Committee

VALERIE WIENER

BERNICE MATHEWS

Senate Conference Committee

Conference Amendment No. CA25.

Amend sec. 3, page 2, line 4, by deleting “*shall*” and inserting: “*shall, after consulting with the members of the assembly who reside within his senatorial district,*”.

Assemblywoman Koivisto moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 195.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 554, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA5, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE

MERLE BERMAN

DEBBIE SMITH

Assembly Conference Committee

WILLIAM R. O'DONNELL

JON C. PORTER

DINA TITUS

Senate Conference Committee

Conference Amendment No. CA5.

Amend section 1, page 2, line 24, by deleting: “*cost of the*” and inserting: “*filing of an*”.

Amend sec. 10, page 7, line 38, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 10, page 7, line 40, by deleting “[40,000.]” and inserting “[50,000.]”.

Amend sec. 10, page 7, line 47, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 10, page 8, line 1, by deleting “[40,000.]” and inserting “[50,000.]”.

Amend sec. 11, page 8, by deleting lines 10 and 11 and inserting: “final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to”.

Amend sec. 11, page 8, line 13, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 11, page 8, line 15, by deleting “[40,000,]” and inserting “[50,000,]”.

Amend sec. 11, page 8, line 20, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 11, page 8, line 22, by deleting “[40,000,]” and inserting “[50,000,]”.

Amend sec. 11, page 9, by deleting lines 4 and 5 and inserting:

“4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map.”.

Amend sec. 14, page 10, line 29, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 14, page 10, line 31, by deleting “[40,000,]” and inserting “[50,000,]”.

Amend sec. 14, page 10, line 39, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 14, page 10, line 41, by deleting “[40,000,]” and inserting “[50,000,]”.

Amend sec. 14, page 11, line 5, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 14, page 11, line 7, by deleting “[40,000,]” and inserting “[50,000,]”.

Amend sec. 14, page 11, line 24, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 14, page 11, line 26, by deleting “[40,000,]” and inserting “[50,000,]”.

Amend sec. 14, page 11, line 42, by deleting “40,000” and inserting “50,000”.

Amend sec. 14, page 11, line 43, by deleting “40,000,” and inserting “50,000,”.

Amend sec. 15, page 12, line 14, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 15, page 12, line 16, by deleting “[40,000,]” and inserting “[50,000,]”.

Amend sec. 15, page 12, line 29, by deleting “[40,000]” and inserting “[50,000]”.

Amend sec. 15, page 12, line 31, by deleting “[40,000,]” and inserting “[50,000,]”.

Amend sec. 15, page 12, line 43, by deleting “40,000” and inserting “50,000”.

Amend sec. 15, page 12, line 44, by deleting “40,000,” and inserting “50,000,”.

Amend sec. 15, page 14, between lines 12 and 13, by inserting:

“12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he records the final map, provide to the county assessor at no charge:

- (a) A duplicate copy of the final map and any supporting documents; or
- (b) Access to the digital final map and any digital supporting documents.”.

Amend the bill as a whole by adding new sections designated sections 16.3 through 16.7, following sec. 16, to read as follows:

“Sec. 16.3. Sections 4 and 8 of Assembly Bill No. 182 of this session are hereby amended to read as follows:

Sec. 4. NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it ~~{-}~~ *in accordance with NRS 278.170*, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. The adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

3. No plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

4. *Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (f) of subsection 1 of NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to a change in the land use designated for a particular area if the change does not affect more than 25 percent of the area.*

5. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region *in accordance with NRS 278.170* must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

~~{-}~~ 6. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county

planning commission and board of county commissioners may authorize such certification by electronic means.

Sec. 8. NRS 278.315 is hereby amended to read as follows:

278.315 1. The governing body may provide by ordinance for the granting of variances, special use permits, conditional use permits or other special exceptions by the board of adjustment, the planning commission or a hearing examiner appointed pursuant to NRS 278.262. The governing body may impose this duty entirely on the board, commission or examiner, respectively, or provide for the granting of enumerated categories of variances, special use permits, conditional use permits or special exceptions by the board, commission or examiner.

2. A hearing to consider an application for the granting of a variance, special use permit, conditional use permit or special exception must be held before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201. A notice setting forth the time, place and purpose of the hearing must be sent by mail at least 10 days before the hearing to:

- (a) The applicant;
- (b) Each owner of real property located within 300 feet of the property in question;
- (c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; and
- (d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

3. If the application is for the issuance of a special use permit in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to each ~~owner~~ of the owners, as listed on the county assessor's records, of at least the 30 parcels nearest to the property in question. The notice must be sent by mail or, if requested by an owner to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

4. *If an application is filed with the governing body for the issuance of a special use permit with regard to property situated within an unincorporated town that is located more than 10 miles from an incorporated city, the*

governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.

5. An applicant or a protestant may appeal a decision of the board of adjustment, planning commission or hearing examiner in accordance with the ordinance adopted pursuant to section 1 of *Senate Bill No. 554* of this ~~act~~.

~~5.} session.~~

6. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, in addition to sending the notice required pursuant to subsection 3, not later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(a) The existing permitted use and zoning designation of the property in question;

(b) The proposed permitted use of the property in question;

(c) The date, time and place of the public hearing; and

(d) A telephone number which may be used by interested persons to obtain additional information.

~~{6.}~~ 7. A sign required pursuant to subsection ~~{5}~~ 6 is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

~~{7.}~~ 8. A governing body may charge an additional fee for each application for a special use permit to cover the actual costs resulting from the erection of not more than one sign required by subsection ~~{5.}~~ 6, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

~~{8.}~~ 9. The governing body shall remove or cause to be removed any sign required by subsection ~~{5}~~ 6 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

~~[9-]~~ 10. The provisions of this section do not apply to an application for a conditional use permit filed pursuant to NRS 278.147.

Sec. 16.5. Sections 3, 4 and 5 of Assembly Bill No. 553 of this session are hereby amended to read as follows:

Sec. 3. NRS 278.315 is hereby amended to read as follows:

278.315 1. The governing body may provide by ordinance for the granting of variances, special use permits, conditional use permits or other special exceptions by the board of adjustment, the planning commission or a hearing examiner appointed pursuant to NRS 278.262. The governing body may impose this duty entirely on the board, commission or examiner, respectively, or provide for the granting of enumerated categories of variances, special use permits, conditional use permits or special exceptions by the board, commission or examiner.

2. A hearing to consider an application for the granting of a variance, special use permit, conditional use permit or special exception must be held before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201. ~~[A]~~

3. *In a county whose population is less than 100,000*, notice setting forth the time, place and purpose of the hearing must be sent ~~[by mail]~~ at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner of real property , *as listed on the county assessor's records*, located within 300 feet of the property in question;

(c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; and

(d) Any advisory board which has been established for the affected area by the governing body.

~~[The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.]~~

3. If the application is for the issuance of a special use permit in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to each of the owners, as listed on the county assessor's records, of at least the 30 parcels nearest to the property in question. The notice must be sent by mail or, if requested by an owner to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.]

4. *Except as otherwise provided in subsection 7, in a county whose population is 100,000 or more, a notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:*

(a) The applicant;

(b) If the application is for a deviation of at least 10 percent but not more than 30 percent from a standard for development:

(1) Each owner, as listed on the county assessor's records, of real property located within 100 feet of the property in question; and

(2) Each tenant of a mobile home park located within 100 feet of the property in question;

(c) If the application is for a special use permit or a deviation of more than 30 percent from a standard for development:

(1) Each owner, as listed on the county assessor's records, of real property located within 500 feet of the property in question;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and

(3) Each tenant of a mobile home park located within 500 feet of the property in question;

(d) If the application is for a change in zoning or a project of regional significance, as that term is described in NRS 278.02542:

(1) Each owner, as listed on the county assessor's records, of real property located within 750 feet of the property in question;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and

(3) Each tenant of a mobile home park located within 750 feet of the property in question; and

(e) Any advisory board which has been established for the affected area by the governing body.

5. If an application is filed with the governing body for the issuance of a special use permit with regard to property situated within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and,

within 10 days after making its decision on the application, transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.

~~{5-}~~ 6. An applicant or a protestant may appeal a decision of the board of adjustment, planning commission or hearing examiner in accordance with the ordinance adopted pursuant to section 1 of Senate Bill No. 554 of this session.

~~{6-}~~ 7. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, ~~[in addition to sending the notice required pursuant to subsection 3, not later than]~~ at least 10 days before the hearing ~~[, erect]~~ :

(a) *Send a notice setting forth the time, place, and purpose of the hearing to:*

(1) *The applicant;*

(2) *Each owner, as listed on the county assessor's records, of real property located within 1,500 feet of the property in question;*

(3) *The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);*

(4) *Each tenant of a mobile home park located within 1,500 feet of the property in question; and*

(5) *Any advisory board which has been established for the affected area by the governing body; and*

(b) *Erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:*

~~{(a)}~~ (1) *The existing permitted use and zoning designation of the property in question;*

~~{(b)}~~ (2) *The proposed permitted use of the property in question;*

~~{(c)}~~ (3) *The date, time and place of the public hearing; and*

~~{(d)}~~ (4) *A telephone number which may be used by interested persons to obtain additional information.*

~~{7-}~~ 8. A sign required pursuant to subsection ~~{6}~~ 7 is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

~~{8-}~~ 9. A governing body may charge an additional fee for each application for a special use permit to cover the actual costs resulting from the erection of not more than one sign required by subsection ~~{6-}~~ 7, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

~~[9-]~~ 10. The governing body shall remove or cause to be removed any sign required by subsection ~~[6]~~ 7 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

~~[10-]~~ 11. *The notice required to be provided pursuant to subsections 3, 4 and 7 must be sent by mail or, if requested by a party to whom notice must be provided pursuant to those subsections, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.*

12. The provisions of this section do not apply to an application for a conditional use permit filed pursuant to NRS 278.147.

Sec. 4. NRS 278.319 is hereby amended to read as follows:

278.319 1. The governing body may adopt an ordinance that authorizes the director of planning or another person or agency to grant ~~[minor deviations]~~ a deviation of less than 10 percent from requirements for land use established within a zoning district without conducting a hearing. The ordinance must require an applicant for *such* a ~~[minor]~~ deviation to obtain the written consent of the owner of any real property that would be affected by the ~~[minor]~~ deviation.

2. If the director of planning or other authorized person or agency grants a deviation in accordance with its authority delegated pursuant to subsection 1, the director of planning or other authorized person or agency shall ensure that the deviation will not impair the purpose of the zoning district or any regulations adopted by the governing body pursuant to NRS 278.250.

3. An applicant or other aggrieved person may appeal the decision of the director of planning or other authorized person or agency in accordance with the ordinance adopted pursuant to section 1 of *Senate Bill No. 554 of this* ~~[act-]~~ session.

Sec. 5. NRS 278.480 is hereby amended to read as follows:

278.480 1. Except as otherwise provided in subsection ~~[10-]~~ 11, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

3. ~~[Whenever any street]~~ *A government patent easement which is no longer required for a public purpose may be vacated by:*

(a) *The governing body; or*

(b) *The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, without conducting a*

hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. *Except as otherwise provided in subsection 3, if any right of way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission , ~~for~~ hearing examiner or other designee, if authorized to take final action by the governing body, shall notify by certified mail each owner of property abutting the proposed abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing, which must be not less than 10 days and not more than 40 days after the date the notice is first published.*

~~[4.]~~ 5. Except as provided in subsection ~~[5.]~~ 6, if, upon public hearing, the governing body, or the planning commission , ~~for~~ hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission , ~~for~~ hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission , ~~for~~ hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to section 1 of Senate Bill No. 554 of this ~~act~~.

~~5.] session.~~

6. If a utility has an easement over the property, the governing body, or the planning commission , ~~for~~ hearing examiner or other designee, if authorized to take final action by the governing body, shall provide in its order for the continuation of that easement.

~~[6.]~~ 7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

~~{7.}~~ 8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

~~{8.}~~ 9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

~~{9.}~~ 10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, ~~{or}~~ hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, ~~{or}~~ hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city, the county or any public utility.

~~{10.}~~ 11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. *As used in this section, "government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.*

Sec. 16.7. Assembly Bill No. 553 of this session is hereby amended by adding thereto a new section designated sec. 7, following sec. 6, to read as follows:

Sec. 7. 1. This section and sections 1, 2, 4, 5 and 6 of this act become effective on October 1, 2001.

2. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 2001."

Amend sec. 18, page 15, by deleting line 41 and inserting:

"Sec. 18. 1. This section and sections 1 to 9, inclusive, 12, 13 and 16 to 17, inclusive, of this act become effective on July 1, 2001.

2. Sections 10 and 14 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Sections 11 and 15 of this act become effective at 12:02 a.m. on July 1, 2001."

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 554.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 25, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA7, which is attached to and hereby made a part of this report.

BARBARA E. BUCKLEY

JOHN C. CARPENTER

BERNIE ANDERSON

Assembly Conference Committee

MARK A. JAMES

JON C. PORTER

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA7.

Amend section 1, page 2, line 9, before “*restricted*” by inserting “*unreasonably*”.

Amend section 1, page 2, line 10, before “*restricted*” by inserting “*unreasonably*”.

Amend section 1, page 2, line 14, by deleting: “*a preponderance of the*” and inserting: “*clear and convincing*”.

Amend section 1, page 3, line 6, by deleting “7.” and inserting: “*arising solely from the facts and circumstances of the particular dispute that specifically pertains to the need for granting a right to visitation pursuant to subsection 1 or 2 against the wishes of a parent of the child.*”

7.”.

Amend section 1, page 3, line 15, by deleting “find” and inserting: “find , by a preponderance of the evidence,”.

Amend section 1, page 3, line 16, by deleting “(j),” and inserting “(i),”.

Amend section 1, page 3, line 31, by deleting “finds” and inserting: “finds , by a preponderance of the evidence,”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 25.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 99, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA11, which is attached to and hereby made a part of this report.

SHEILA LESLIE

MORSE ARBERRY JR.

LYNN C. HETTRICK

Assembly Conference Committee

ANN O'CONNELL

MARK AMODEI

MAGGIE CARLTON

Senate Conference Committee

Conference Amendment No. CA11.

Amend sec. 1.5, page 2, line 9, by deleting “If” and inserting: “~~If~~ Except as otherwise provided in this section, if”.

Amend sec. 1.5, page 2, by deleting lines 39 through 41 and inserting:

“6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the administrator.”.

Amend sec. 3, page 3, line 13, by deleting “If” and inserting: “~~[[If]]~~ Except as otherwise provided in this section, if”.

Amend sec. 3, page 3, by deleting lines 43 through 45 and inserting:

“6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer.”.

Amend sec. 5, page 4, line 18, by deleting “If” and inserting: “~~[[If]]~~ Except as otherwise provided in this section, if”.

Amend sec. 5, page 4, by deleting lines 47 through 49 and inserting:

“6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer.”.

Amend sec. 7, page 5, line 24, by deleting “If” and inserting: “~~[[If]]~~ Except as otherwise provided in this section, if”.

Amend sec. 7, page 6, by deleting lines 5 through 7 and inserting:

“6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the carrier.”.

Amend sec. 10, page 6, line 35, by deleting “If” and inserting: “~~[[If]]~~ Except as otherwise provided in this section, if”.

Amend sec. 10, page 7, by deleting lines 17 through 19 and inserting:

“6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the corporation.”.

Amend sec. 15, page 9, line 13, by deleting “If” and inserting: “~~[[If]]~~ Except as otherwise provided in this section, if”.

Amend sec. 15, page 9, by deleting lines 46 through 48 and inserting:

“6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the health maintenance organization.”.

Amend sec. 18, page 10, line 24, by deleting “If” and inserting: “Except as otherwise provided in this section, if”.

Amend sec. 18, page 11, by deleting lines 23 through 25 and inserting:

“6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was

delayed because of an act of God or another cause beyond the control of the insurer.”.

Amend sec. 22, page 13, line 12, by deleting “An” and inserting: “[An] Except as otherwise provided in this subsection, an”.

Amend sec. 22, page 13, line 16, by deleting “employment;” and inserting: “employment [;]”:

(1) *In this state; or*

(2) *While on temporary assignment outside the state for a period of not more than 12 months;”.*

Amend sec. 22, page 13, between lines 20 and 21, by inserting: “An employee who suffers an accident or injury while on temporary assignment outside the state is not eligible to receive compensation from the uninsured employers’ claim fund unless he has been denied workers’ compensation in the state in which the accident or injury occurred.”.

Amend sec. 23, page 15, line 4, by deleting “An” and inserting: “[An] Except as otherwise provided in this subsection, an”.

Amend sec. 23, page 15, line 8, by deleting “employment;” and inserting: “employment:

(1) *In this state; or*

(2) *While on temporary assignment outside the state for a period of not more than 12 months;”.*

Amend sec. 23, page 15, between lines 11 and 12, by inserting:

“An employee who contracts an occupational disease that arose out of and in the course of employment while on temporary assignment outside the state is not entitled to receive compensation from the uninsured employers’ claim fund unless he has been denied workers’ compensation in the state in which the disease was contracted.”.

Amend the bill as a whole by adding a new section designated sec. 23.5, following sec. 23, to read as follows:

“Sec. 23.5. Section 10 of Assembly Bill No. 338 of this session is hereby amended to read as follows:

Sec. 10. NRS 616C.135 is hereby amended to read as follows:

616C.135 1. A provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may not charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for any services that are not related to the employee’s industrial injury or occupational disease.

2. The insurer is liable for the charges for approved services related to the industrial injury or occupational disease if the charges do not exceed:

(a) The fees established in accordance with NRS 616C.260 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer or the contract between the provider of health care and the organization for managed care.

3. *A provider of health care may accept payment from an injured employee who is paying in protest pursuant to section 5 of this act for treatment or other services that the injured employee alleges are related to the industrial injury or occupational disease.*

4. If a provider of health care, an organization for managed care, an insurer or an employer violates the provisions of this section, the administrator shall impose an administrative fine of not more than \$250 for each violation.”.

Amend the title of the bill, ninth line, by deleting “fund;” and inserting: “fund under certain circumstances;”.

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 99.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 524, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA8, which is attached to and hereby made a part of this report.

TOM COLLINS

JOHN J. LEE

JOHN C. CARPENTER

Assembly Conference Committee

WILLIAM R. O'DONNELL

LAWRENCE E. JACOBSEN

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA8.

Amend sec. 2, page 1, by deleting lines 4 and 5 and inserting: “*otherwise requires, “document” means an application, notice, report, statement or*”.

Amend sec. 2, page 1, by deleting lines 10 through 14.

Amend sec. 3, page 1, by deleting lines 17 through 19 and inserting:

“2. *If the department establishes a program pursuant to subsection 1:*

(a) An electronic submission or storage of documents that is carried out pursuant to the program with respect to a particular transaction is not valid unless all original documents required for the transaction pursuant to:

(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and

(2) The provisions of any regulations adopted pursuant thereto, have been executed and submitted to the department.

(b) The department shall adopt regulations to carry out the program.

3. *The regulations required to be adopted pursuant to paragraph (b) of subsection 2 must include, without limitation:”.*

Amend sec. 3, page 2, line 14, by deleting “*participation;*” and inserting “*participation.*”.

Amend sec. 3, page 2, between lines 37 and 38, by inserting:

“(k) *Procedures to ensure compliance with:*

(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and

(2) *The provisions of any regulations adopted pursuant thereto, to the extent that such provisions relate to the submission and retention of documents used for the transfer of the ownership of vehicles.”.*

Amend sec. 3, page 2, line 38, by deleting “3.” and inserting “4.”.

Assemblyman Collins moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 524.

Remarks by Assemblyman Collins.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 49, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

BARBARA E. BUCKLEY

JOHN C. CARPENTER

ELLEN M. KOIVISTO

Assembly Conference Committee

TERRY CARE

MIKE MCGINNESS

JON C. PORTER

Senate Conference Committee

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 49.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 2:30 p.m.

Motion carried.

Assembly in recess at 12:56 p.m.

ASSEMBLY IN SESSION

At 6:41 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bill No. 673; Senate Bills Nos. 170, 583, 584, 585, 586, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bill No. 70; Senate Bill No. 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bill No. 300; Senate Bills Nos. 277, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 513, 515; Senate Bill No. 476.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 54.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 162.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 370.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 466.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 500.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 664, and requests a conference, and appointed Senators O'Donnell, Porter and Raggio as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 666, and requests a conference, and appointed Senators James, Care and Porter as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1215 to Senate Bill No. 137; Assembly Amendment No. 1195 to Senate Bill No. 143; Assembly Amendment No. 1190 to Senate Bill No. 491; Assembly Amendment No. 1212 to Senate Bill No. 496.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1213 to Senate Bill No. 306.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Neal, O'Donnell and O'Connell as a first Conference Committee concerning Senate Bill No. 565.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 62.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 171 and appointed Senators James, Amodei and Titus as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 171.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 202.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 216.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 362.

MARY JO MONGELLI

Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1265.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 461A.230 is hereby amended to read as follows:

461A.230 1. Each mobile home park constructed after July 1, 1981, but before October 1, 1989, must provide direct electrical and gas service from the utility to each lot if those services are available.

2. Each mobile home park constructed after October 1, 1989, must provide direct:

(a) Electrical and gas service from a public utility or a city, county or other governmental entity which provides electrical or gas service, to each lot if those services are available.

(b) Water service from a public utility or a city, county or other governmental entity which provides water service, the provisions of NRS 704.230 notwithstanding, to the park if that service is available.

3. ~~In~~ *Except as otherwise provided in this subsection, in a county whose population is 400,000 or more, each mobile home park constructed after October 1, 1995, must provide direct water service, as provided in paragraph (b) of subsection 2, that is connected to individual meters for each lot. The individual meters must be installed in compliance with any uniform design and construction standards adopted by the public utility or city, county or other governmental entity which provides water service in the county. If a governmental or quasi-governmental entity develops a mobile home park to provide affordable housing, a master meter may be used in lieu of individual meters.*

Sec. 2. Section 13 of Senate Bill No. 210 of this session is hereby amended to read as follows:

Sec. 13. NRS 461A.230 is hereby amended to read as follows:

461A.230 1. Each mobile home park constructed after July 1, 1981, but before October 1, 1989, must provide direct electrical and gas service from ~~the~~ *a utility or an alternative seller* to each lot if those services are available.

2. Each mobile home park constructed after October 1, 1989, must provide direct:

(a) Electrical and gas service from a public utility *or an alternative seller*, or a city, county or other governmental entity which provides electrical or gas service, to each lot if those services are available.

(b) Water service from a public utility or a city, county or other governmental entity which provides water service, the provisions of NRS 704.230 notwithstanding, to the park if that service is available.

3. Except as otherwise provided in this subsection, in a county whose population is 400,000 or more, each mobile home park constructed after October 1, 1995, must provide direct water service, as provided in paragraph (b) of subsection 2, that is connected to individual meters for each lot. The individual meters must be installed in compliance with any uniform design and construction standards adopted by the public utility or city, county or other governmental entity which provides water service in the county. If a governmental or quasi-governmental entity develops a mobile home park to provide affordable housing, a master meter may be used in lieu of individual meters.

4. *As used in this section, "alternative seller" has the meaning ascribed to it in NRS 704.994.*

Sec. 3. 1. There is hereby appropriated from the state general fund to the Housing Authority of the City of Las Vegas the sum of \$1,000,000 to provide affordable housing for senior citizens. The money must be allocated for the planning, design and construction, including, without limitation, architectural and engineering fees, at the 11th Street site of 150 one- and two-bedroom units with elevators.

2. Upon acceptance of the money appropriated by subsection 1, the Housing Authority of the City of Las Vegas agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Housing Authority of the City of Las Vegas through December 1, 2002; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2005, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. This act becomes effective on July 1, 2001.”

Amend the title of the bill to read as follows:

“AN ACT relating to affordable housing; providing an exception under certain circumstances to the requirement that certain mobile home parks must provide direct water service that is connected to individual meters for each lot; making an appropriation to the Housing Authority of the City of Las Vegas for certain construction projects that will provide affordable housing for senior citizens; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes with respect to affordable housing. (BDR 40-43)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 300.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1236.

Amend section 1, page 1, line 2, by deleting “6,” and inserting “9,”.

Amend sec. 2, page 1, line 3, by deleting “6,” and inserting “9,”.

Amend sec. 3, page 2, line 11, by deleting “source” and inserting: “source, including, without limitation, any federal money made available for school construction, repair or renovation,”.

Amend sec. 4, page 2, line 27, by deleting “2.” and inserting:

“(e) Provide grants of money to boards of trustees of school districts for the construction, repair and renovation of school buildings and facilities. 2.”.

Amend sec. 4, page 2, line 30, by deleting “biennium.” and inserting: “biennium, of which not more than 10 percent may be allocated as grants of money to school districts pursuant to paragraph (e) of subsection 1.”.

Amend the bill as a whole by deleting sections 5 through 9 and adding new sections designated sections 5 through 15 and the text of repealed sections, following sec. 4, to read as follows:

“Sec. 5. *The full faith and credit of this state is hereby pledged that the money in the revolving fund will not be used for purposes other than those authorized by sections 2 to 9, inclusive, of this act.*

Sec. 5.5. *In addition to the powers of the director of the department of administration set forth in paragraphs (a) to (e), inclusive, of subsection 1 of section 4 of this act, the director may secure the sale of bonds issued by this state if the net proceeds from the sale of those bonds are deposited in the revolving fund.*

Sec. 6. 1. *The director of the department of administration may authorize the state treasurer to issue, sell or deliver general obligation bonds of the state or revenue bonds, if viable, to support the purposes of the revolving fund.*

2. *If the director of the department of administration authorizes the issuance of bonds, the state treasurer may:*

(a) Sue and be sued to establish or enforce any right arising out of a project receiving financial assistance or of any state securities issued pursuant to this authorization;

(b) Acquire and hold municipal securities, and exercise all of the rights of holders of those securities;

(c) Sell or otherwise dispose of municipal securities and assets acquired in connection with those securities, unless limited by any agreement that relates to the securities;

(d) Make contracts and execute all necessary or convenient instruments;

(e) Accept grants of money from the Federal Government, this state, any agency or political subdivision or any person;

(f) Adopt regulations relating to projects receiving financial assistance and the administration of those projects;

(g) Employ for himself or for any school district, any necessary legal, fiscal, engineering or other expert services in connection with projects receiving financial assistance and with the authorization, sale and issuance of state securities and municipal securities;

(h) Enter into agreements and arrangements consistent with NRS 387.335 and sections 2 to 9, inclusive, of this act concerning the issuance of state securities and the purchase of municipal securities; and

(i) Undertake other matters as he determines necessary or desirable to accomplish the purposes of NRS 387.335 and sections 2 to 9, inclusive, of this act.

3. Before any bonds are issued pursuant to this section, the state board of finance must certify that sufficient revenue will be available in the revolving fund to pay the interest and installments of principal as they become due.

4. Any general obligation bonds or revenue bonds issued pursuant to this section that are for the construction, repair and renovation of school buildings and facilities constitute contracts necessary for the improvement, acquisition and construction of facilities for public elementary and secondary schools under section 3 of article 9 of the Nevada constitution.

5. The money in the revolving fund that is available for the payment of the interest and installments of principal on the bonds must be pledged as the primary source for the payment of the bonds. The full faith and credit of this state may be pledged.

Sec. 7. The board of trustees of a school district in a county whose population is less than 50,000 may submit an application to the director of the department of administration for a loan or other financial assistance from the revolving fund.

Sec. 8. 1. An application submitted pursuant to section 7 of this act must include a written description of the:

(a) Project for construction, repair or renovation for which the loan or other financial assistance will be used; and

(b) Financial status of the school district, including, without limitation, the criteria for approval set forth in paragraphs (a), (b) and (c) of subsection 2.

2. *The director of the department of administration, in consultation with the department of education, department of taxation and the state public works board shall determine whether to approve an application submitted pursuant to subsection 1 based upon:*

(a) Proof that the assessed valuation of the taxable property in the county in which the school district is located is declining and all other resources available to the school district for financing capital improvements are diminishing;

(b) The discrepancy, if any, between the growth of assessed valuation of taxable property in the county in which the school district is located and the growth of the total number of pupils enrolled in the school district;

(c) Proof that the remaining allowable increase in ad valorem taxes available to the school district is within 90 percent of the limit imposed pursuant to NRS 361.453;

(d) The proposed use of the money for which the application is made, including, without limitation, whether the money will be used in an efficient manner;

(e) Proof that the county has experienced a decrease in population for 2 or more consecutive years; and

(f) The needs of the school district, including, without limitation, proof that:

(1) One of the facilities that is located on the grounds of a school within the school district is unsuitable for use as a result of:

(I) Structural defects;

(II) Barriers to accessibility; or

(III) Hazards to life, health or safety, including, without limitation, environmental hazards and the operation of the facility in an unsafe manner; or

(2) One of the facilities that is located on the grounds of a school within the school district is in such condition that the cost of renovating the facility, including, without limitation, the cost of removing barriers to accessibility, would exceed 40 percent of the cost of constructing a new facility.

3. *Upon the receipt of an application, the director of the department of administration shall forward the application to the:*

(a) Department of taxation to determine whether or not the application satisfies the showing of proof required pursuant to paragraphs (a), (b), (c) and (e) of subsection 2;

(b) State public works board to determine whether the application satisfies the showing of proof required pursuant to paragraph (f) of subsection 2; and

(c) Department of education for informational purposes.

4. *The department of taxation and the state public works board shall submit written statements of their determinations pursuant to subsection 2 regarding an application to the director of the department of administration. Upon receipt of such statements, the director shall submit the application*

accompanied by the written statements from the department of taxation and state public works board to the state board of examiners for approval.

5. The director of the department of administration shall, within the limits of money available for use in the revolving fund, make loans and provide other financial assistance to school districts whose applications have been approved by the state board of examiners based upon the criteria set forth in paragraphs (a) to (e), inclusive, of subsection 2. If the director makes a loan from the revolving fund, he shall ensure that the contract of the loan includes all terms and conditions for repayment of the loan. If the director makes a grant from the revolving fund, he may require the board of trustees of the school district to provide money to match the grant in an amount not to exceed 25 percent of the grant.

Sec. 9. 1. The director of the department of administration shall:

(a) Adopt regulations, in consultation with the department of education, the state public works board and any other agency that the director determines appropriate, that prescribe the annual deadline for submission of an application to the director of the department of administration by the board of trustees of a school district that desires to receive a loan or other financial assistance from the revolving fund.

(b) Adopt regulations, in consultation with the department of education, concerning the use of money deposited in the revolving fund that was received by this state or the department of education from the Federal Government for the construction, repair or renovation of school facilities.

2. The director of the department of administration may:

(a) Adopt regulations as he deems necessary to carry out the provisions of sections 2 to 9, inclusive, of this act.

(b) Employ or contract for any legal, fiscal or other expert services necessary to carry out his duties pursuant to sections 2 to 9, inclusive, of this act.

Sec. 10. NRS 387.030 is hereby amended to read as follows:

387.030 1. All money derived from interest on the state permanent school fund, together with all money derived from other sources provided by law, must:

{1-} (a) Be placed in the state distributive school account which is hereby created in the state general fund; and

{2-} (b) Except as otherwise provided in NRS 387.528, be apportioned among the several school districts and charter schools of this state at the times and in the manner provided by law.

2. On July 1 of each odd-numbered year, the state controller shall transfer 10 percent of the surplus, if any, in the state distributive school account to the revolving fund for the construction, repair and renovation of school buildings and facilities created pursuant to section 3 of this act.

Sec. 11. NRS 374A.010 is hereby amended to read as follows:

374A.010 1. A tax is hereby imposed on all retailers within a county in which:

(a) The board of county commissioners of the county has not imposed the maximum rate of tax that it is authorized to impose pursuant to NRS 377B.100;

(b) The board of trustees of a county school district has applied for a grant from the *revolving fund* ~~[to assist school districts in financing capital improvements pursuant to NRS 387.3335;]~~ *for the construction, repair and renovation of school buildings and facilities pursuant to section 8 of this act;* and

(c) The state board of examiners has approved the application by the board of trustees.

2. The rate of the tax imposed by subsection 1 is the difference between:

(a) The rate of tax that the board of county commissioners of the county has imposed pursuant to NRS 377B.100; and

(b) The maximum rate of tax that the board of county commissioners of the county is authorized to impose pursuant to NRS 377B.100, but in no event may the rate imposed by subsection 1 exceed one-eighth of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county.

Sec. 12. Section 7 of this act is hereby amended to read as follows:

Sec. 7. The board of trustees of a school district ~~[in a county whose population is less than 50,000]~~ may submit an application to the director of the department of administration for a loan or other financial assistance from the revolving fund.

Sec. 13. NRS 387.333 and 387.3335 are hereby repealed.

Sec. 14. Section 13 of this act does not impair any outstanding bonds issued before October 1, 2001.

Sec. 14.5. The state treasurer shall transfer any balance remaining unexpended on September 30, 2001, in the fund to assist school districts in financing capital improvements to the revolving fund for the construction, repair and renovation of school buildings and facilities created pursuant to section 3 of this act.

Sec. 15. 1. This section and section 9 of this act become effective on July 1, 2001.

2. Sections 1 to 5, inclusive, 7, 8, 11, 13, 14 and 14.5 of this act become effective on October 1, 2001.

3. Section 10 of this act becomes effective on January 1, 2003.

4. Sections 5.5 and 6 of this act become effective on December 1, 2002, only if Assembly Joint Resolution No. 26 of the 70th session of the Nevada Legislature is approved by the voters at the general election on November 5, 2002.

5. Section 12 of this act becomes effective on July 1, 2005.

TEXT OF REPEALED SECTIONS

387.333 Creation; acceptance of gifts and grants; investment; payment of claims.

1. The fund to assist school districts in financing capital improvements is hereby created in the state treasury, to be administered by the director of the department of administration. All money received and held by the state treasurer for the purpose of the fund must be deposited in the fund.

2. The director of the department of administration may accept gifts and grants from any source for deposit in the fund.

3. The money in the fund must be invested as the money in other state funds is invested. All interest and income earned on the money in the fund must be credited to the fund.

4. Claims against the fund must be paid as other claims against the state are paid.

387.3335 Application for grant; proof of emergency conditions; determinations by department of taxation and state public works board; approval by state board of examiners; award of grants.

1. The board of trustees of a school district may apply to the director of the department of administration for a grant of money from the fund created pursuant to NRS 387.333 on a form provided by the director of the department of administration. The application must be accompanied by proof that the following emergency conditions exist within the school district:

(a) The assessed valuation of the taxable property in the county in which the school district is located is declining and all other resources available to the school district for financing capital improvements are diminishing;

(b) The combined ad valorem tax rate of the county is at the limit imposed by NRS 361.453; and

(c) At least:

(1) One building that is located on the grounds of a school within the school district has been condemned;

(2) One of the facilities that is located on the grounds of a school within the school district is unsuitable for use as a result of:

(I) Structural defects;

(II) Barriers to accessibility; or

(III) Hazards to life, health or safety, including, without limitation, environmental hazards and the operation of the facility in an unsafe manner; or

(3) One of the facilities that is located on the grounds of a school within the school district is in such a condition that the cost of renovating the facility would exceed 40 percent of the cost of constructing a new facility.

2. Upon receipt of an application submitted pursuant to subsection 1, the director of the department of administration shall forward the application to the:

(a) Department of taxation to determine whether or not:

(1) The application satisfies the showing of proof required pursuant to paragraphs (a) and (b) of subsection 1; and

(2) The board of county commissioners in the county in which the school district is located has imposed a tax of more than one-eighth of 1 percent pursuant to NRS 377B.100; and

(b) State public works board to determine whether the application satisfies the showing of proof required pursuant to paragraph (c) of subsection 1; and

(c) Department of education for informational purposes.

3. The department of taxation and the state public works board shall submit written statements of their determinations pursuant to subsection 2 regarding an application to the director of the department of administration. Upon receipt of such statements, the director shall submit the application accompanied by the written statements from the department of taxation and state public works board to the state board of examiners for approval.

4. The director of the department of administration shall make grants from the fund created pursuant to NRS 387.333 based upon the need of each school district whose application is approved by the state board of examiners.

5. The director of the department of administration shall adopt regulations that prescribe the annual deadline for submission of an application to the director of the department of administration by a school district that desires to receive a grant of money from the fund.”.

Amend the title of the bill to read as follows:

“AN ACT relating to governmental administration; creating a revolving fund for the construction, repair and renovation of school buildings and facilities; authorizing the issuance of general obligation bonds under certain circumstances to assist school districts with the construction, repair and renovation of school buildings and facilities; repealing the provisions creating the fund to assist school districts in financing capital improvements; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates revolving fund for construction and repair of school buildings and facilities and authorizes issuance of general obligation bonds under certain circumstances. (BDR 34-1003)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1262.

Amend sec. 1.3, page 1, line 3, by deleting “*shall*” and inserting “*may*”.

Amend sec. 1.7, page 1, line 10, by deleting “*shall*” and inserting: “*may continue to*”.

Amend sec. 6, page 2, by deleting lines 24 through 33 and inserting:

"2. In addition to the assistant director appointed pursuant to subsection 1, the director shall appoint such other".

Amend sec. 6, page 2, line 35, by deleting "[3-] 4." and inserting "3."

Amend sec. 6, page 2, line 37, by deleting "[4-] 5." and inserting "4."

Amend sec. 6, page 2, line 40, by deleting "[5-] 6." and inserting "5."

Amend sec. 7, page 2, by deleting lines 45 through 47 and inserting: "pursuant to subsection 1 of NRS 209.151 is entitled to receive the same retirement benefits as police".

Amend sec. 7, page 3, by deleting line 2 and inserting "*programs.*".

Amend the title of the bill to read as follows:

"AN ACT relating to the department of prisons; allowing the director to establish a system for offender management in each institution and facility of the department; allowing the director to continue to develop and implement a program of facility training for correctional staff in each institution and facility of the department; changing the name of the department; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1214.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 2, by deleting line 18 and inserting:

"Section 1. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A sign that is not less than 11 inches wide and 8 1/2 inches in height*".

Amend sec. 2, page 2, line 20, by deleting: "*1 inch in height,*" and inserting: "*the sizes specified in subsection 2,*".

Amend sec. 2, page 2, by deleting lines 25 through 31 and inserting: "*HEALTH WARNING*

Drinking wine, beer and other alcoholic beverages during pregnancy can cause birth defects.

ALERTA DE SALUD

El beber de vino, cerveza y otras bebidas alcohólicas durante el embarazo pueden causar defectos de nacimiento.".

Amend sec. 2, page 2, by deleting lines 33 through 36 and inserting:

"2. *The letters in the words "HEALTH WARNING" and "ALERTA DE SALUD" in the sign must be written in not less than 40-point type, and the*

letters in all other words in the sign must be written in not less than 30-point type.”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend sec. 4, page 3, line 28, by deleting: “2 or 3” and inserting “1”.

Amend sec. 4, page 3, line 29, by deleting: “*criminal or civil*”.

Amend sec. 5, page 3, by deleting lines 34 through 41 and inserting:

“Sec. 3. This act becomes effective upon passage and approval for the purpose of authorizing the health division of the department of human resources to solicit, accept and distribute signs that satisfy the requirements of section 1 of this act, and on October 1, 2001, for all other purposes.”.

Amend the title of the bill, third and fourth lines, by deleting: “providing a civil penalty for failure to post the sign;”.

Assemblywomen Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1220.

Amend section 1, pages 1 and 2, by deleting lines 1 through 18 on page 1 and lines 1 through 25 on page 2, and inserting:

“Section 1. 1. There is hereby appropriated from the state general fund to the Department of Education the sum of \$2,450,000 for educational technology.

2. The Department of Education shall distribute the money appropriated by subsection 1 as follows:

(a) For the Commission on Educational Technology to grant to local school districts for hardware, software and contracting services to provide or enhance technical support to the school districts:

(1) For the fiscal year 2001-2002.....\$625,000

(2) For the fiscal year 2002-2003.....\$625,000

(b) For the Commission on Educational Technology to grant to local school districts for pilot programs that demonstrate best practices for the use of educational technology to improve the achievement of pupils:

(1) For the fiscal year 2001-2002.....\$150,000

(2) For the fiscal year 2002-2003.....\$150,000

(c) For the Commission on Educational Technology to distribute for the KLVX Distance Learning Service \$400,000

(d) For the Commission on Educational Technology to grant to the Division of State Library and Archives of the Department of Cultural Affairs

for licenses to allow public schools and libraries access to research databases and other on-line resources appropriate for pupils \$500,000

3. The sums appropriated by paragraphs (a) and (b) of subsection 2 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

4. Any remaining balance of the appropriation made by paragraphs (c) and (d) of subsection 2 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend section 1, page 2, line 26, after “pursuant to” by inserting: “paragraphs (a) and (b) of subsection 1”.

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

“Sec. 3.5. 1. There is hereby appropriated from the state general fund to the Department of Education for textbooks and workbooks:

For the fiscal year 2001-2002 \$3,750,000,000

For the fiscal year 2002-2003 \$3,750,000,000

2. The board of trustees of a school district may submit an application to the Department of Education for an allocation of money pursuant to this section. The application must include, without limitation, a plan that sets forth the manner in which the school district will use the money to:

(a) Eliminate the use of shared classroom book sets in the public schools within the school district which must remain in the classroom; and

(b) Provide each pupil enrolled in a public school of the school district with a textbook for each class in which a textbook is used and an accompanying workbook, if applicable, that the pupil may use at home for educational purposes.

The plan must include a detailed description of the grade levels and subject areas for which the textbooks and workbooks will be purchased.

3. Upon receipt of an application pursuant to subsection 2, the Department of Education shall review the application and make recommendations jointly with the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation. The joint recommendation of the amount of the allocation must be transmitted to the Superintendent of Public Instruction for his consideration. The Superintendent of Public Instruction shall determine the amount of the allocation for each school district whose application is approved for the 2001-2002 fiscal year and the 2002-2003 fiscal year. The Superintendent of Public Instruction is not bound to follow the joint recommendation.

4. A school district that receives an allocation of money pursuant to this section shall use the money for each school year that the school district receives an allocation to:

(a) Purchase a sufficient number of textbooks and accompanying workbooks, if applicable, to eliminate the use of classroom book sets and to provide each pupil enrolled in a public school of the school district with a textbook for each class in which a textbook is used and an accompanying workbook that the pupil may take home for educational purposes.

(b) Supplement and not replace the amount of money that the school district would otherwise expend for the purchase of textbooks and workbooks.

5. Notwithstanding the provisions of NRS 387.207 to the contrary, a school district that receives an allocation of money pursuant to this section shall expend, for the purchase of textbooks and workbooks for each school year that it receives an allocation, an amount of money that is at least equal to the average amount of money that was expended per pupil by the school district in the school year immediately preceding the school year for which the allocation is made for the purchase of textbooks and workbooks, not including the amount of money received from a previous allocation pursuant to this section.

6. The Department of Education shall submit a written report setting forth the uses of the money by school districts that received allocations and evaluating the effectiveness of those uses in eliminating the use of classroom book sets in schools. The written report must be submitted to the Director of the Legislative Counsel Bureau on or before February 1, 2003, for transmission to the 72nd session of the Nevada Legislature.

7. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”

Amend sec. 4, page 4, by deleting lines 16 through 18 and inserting: “2002 school year and the 2002-2003 school year. A teacher may not receive more than one”.

Amend sec. 4, page 4, line 23, after “2.” by inserting: “A teacher may not receive a signing bonus:

(a) Until he has taught for a school district in this state for at least 30 days; and

(b) Unless he submits a written statement indicating that the teacher understands that if he does not teach in a public school in this state for at least 2 years after the date on which he receives the signing bonus, he will be required to repay the signing bonus in full to the Department of Education.

3.”.

Amend sec. 4, page 4, line 30, by deleting “3.” and inserting “4.”.

Amend sec. 4, page 4, line 43, by deleting “4.” and inserting:

“5. Except as otherwise provided in this subsection, if a teacher who receives a signing bonus pursuant to this section does not teach in a public school in this state for at least 2 years after the date on which he received the signing bonus, the teacher shall repay the full amount of the signing bonus to

the Department of Education. The Department of Education shall grant a waiver to a teacher from the repayment required by this subsection if the teacher received satisfactory evaluations but was not reemployed by the school district.

6.”.

Amend sec. 4, page 4, line 46, by deleting “5.” and inserting “7.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; making appropriations to the Department of Education for educational technology, textbooks and signing bonuses for teachers; making an appropriation to the legislative fund for use by the Legislative Bureau of Educational Accountability and Program Evaluation for an evaluation of educational technology; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations for educational technology, textbooks and signing bonuses for teachers. (BDR S-1349)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Anderson and Mortenson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1261.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. 1. There is hereby appropriated from the state general fund to the Peace Officers’ Standards and Training Commission the sum of \$50,000 for an analysis of job tasks and a study of physical fitness validation for peace officers.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 2. 1. There is hereby appropriated from the state general fund to the Department of Motor Vehicles and Public Safety the sum of \$562,569 to fund a share of the cost of the National Crime Information Center’s 2000 upgrade, Windows 2000 and the public safety database.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. 1. There is hereby appropriated from the state highway fund to the Department of Motor Vehicles and Public Safety the sum of \$442,019 to fund a share of the cost of the National Crime Information Center's 2000 upgrade, Windows 2000 and the public safety database.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state highway fund as soon as all payments of money committed have been made.”.

Amend the title of the bill to read as follows:

“AN ACT making appropriations to the Peace Officers’ Standards and Training Commission for an analysis of job tasks and a study of physical fitness validation for peace officers and to the Department of Motor Vehicles and Public Safety for various information technology upgrades; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to Peace Officers’ Standards and Training Commission for analysis of job tasks and study of physical fitness validation for peace officers and to Department of Motor Vehicles and Public Safety for various information technology upgrades. (BDR S-1383)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 518.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1260.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 3 through 6 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 281.160 is hereby amended to read as follows:

281.160 1. Except as otherwise provided in subsection 2 or 5, or by specific statute, any district judge, state officer, state employee or member of an advisory board supported in whole or in part by any public money, whether the public money is received from the Federal Government or any branch or agency thereof, or from private or any other sources, is entitled to receive his expenses in the transaction of public business outside of the municipality or other area in which his principal office is located, to be paid at the rate of ~~[\$69]~~ \$76 for each 24-hour period during which he is away from the office and within the state, and ~~[\$27]~~ \$26 in addition to a reasonable room rate for each 24-hour period during which he is outside of the state.

2. Any person enumerated in subsection 1 is entitled to receive expenses for a period of less than 24 hours in accordance with regulations of the state board of examiners conforming generally to those rates.

3. Any person enumerated in subsection 1 is entitled to receive an allowance for transportation in the transaction of public business, whether within or outside of the municipality or other area in which his principal office is located. Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles and special use vehicles. The state board of examiners, on or before July 1 of each year, shall establish the rate of the allowance for travel by private conveyance. The rate must equal the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax that is in effect at the time the annual rate is established. If a private conveyance is used for reasons of personal convenience in transaction of state business, the allowance for travel is one-half the established rate.

4. The state board of examiners may establish a transportation allowance for the use of private, special use vehicles on public business by any person enumerated in subsection 1, whether within or outside of the municipality or other area in which his principal office is located. The allowance must be established at rates higher than the rates established in subsection 3.

5. The state board of examiners may establish:

(a) A room rate in excess of the normal allowance for reimbursement of employees who are required to travel on weekends to serve the needs of the public. The board may require the submission of receipts as a condition of reimbursement at the special rate.

(b) Reasonable rates for expenses outside of the United States that will allow a person to purchase the same quality of food as the domestic rate allows.

6. The state board of examiners shall adopt regulations, and shall require other state agencies to adopt regulations, in accordance with the purpose of this section, and a state agency may, with the approval of the state board of examiners, adopt a rate of reimbursement less than the amounts specified in subsection 1 where unusual circumstances make that rate desirable.

Sec. 2. NRS 281.160 is hereby amended to read as follows:

281.160 1. Except as otherwise provided in subsection 2 or 5, or by specific statute, any district judge, state officer, state employee or member of an advisory board supported in whole or in part by any public money, whether the public money is received from the Federal Government or any branch or agency thereof, or from private or any other sources, is entitled to receive his expenses in the transaction of public business outside of the municipality or other area in which his principal office is located, to be paid at the rate of ~~[\$76]~~ \$84 for each 24-hour period during which he is away from the office and within the state, and \$26 in addition to a reasonable room rate for each 24-hour period during which he is outside of the state.

2. Any person enumerated in subsection 1 is entitled to receive expenses for a period of less than 24 hours in accordance with regulations of the state board of examiners conforming generally to those rates.

3. Any person enumerated in subsection 1 is entitled to receive an allowance for transportation in the transaction of public business, whether within or outside of the municipality or other area in which his principal office is located. Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles and special use vehicles. The state board of examiners, on or before July 1 of each year, shall establish the rate of the allowance for travel by private conveyance. The rate must equal the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax that is in effect at the time the annual rate is established. If a private conveyance is used for reasons of personal convenience in transaction of state business, the allowance for travel is one-half the established rate.

4. The state board of examiners may establish a transportation allowance for the use of private, special use vehicles on public business by any person enumerated in subsection 1, whether within or outside of the municipality or other area in which his principal office is located. The allowance must be established at rates higher than the rates established in subsection 3.

5. The state board of examiners may establish:

(a) A room rate in excess of the normal allowance for reimbursement of employees who are required to travel on weekends to serve the needs of the public. The board may require the submission of receipts as a condition of reimbursement at the special rate.

(b) Reasonable rates for expenses outside of the United States that will allow a person to purchase the same quality of food as the domestic rate allows.

6. The state board of examiners shall adopt regulations, and shall require other state agencies to adopt regulations, in accordance with the purpose of this section, and a state agency may, with the approval of the state board of examiners, adopt a rate of reimbursement less than the amounts specified in subsection 1 where unusual circumstances make that rate desirable.”.

Amend sec. 2, page 1, line 11, by deleting “\$5,250,000” and inserting “\$3,750,000”.

Amend sec. 2, page 1, line 12, by deleting “\$11,750,000” and inserting “\$13,250,000”.

Amend sec. 4, page 3, by deleting line 6 and inserting:

“Sec. 6. 1. This section and sections 3, 4 and 5 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2001.

3. Section 2 of this act becomes effective on July 1, 2002.”.

Amend the title of the bill, first line, after “administration;” by inserting:

“revising the amounts paid to certain public officers and employees as allowances for certain expenses;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to state financial administration. (BDR 23-1514)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 606 and Senate Joint Resolution No. 20 just returned from the printer, be placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 232 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblywoman Buckley moved that Assembly Concurrent Resolutions Nos. 3 and 21 just returned from the printer, be placed on the Resolution File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 606.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Carpenter, Mortenson, Williams, Freeman and Von Tobel.

Roll call on Assembly Bill No. 606:

YEAS—36.

NAYS—Cegavske, Goldwater, Gustavson, Manendo—4.

NOT VOTING—Gibbons, Humke—2.

Assembly Bill No. 606 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1258.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 through 6 as sections 2 through 4.

Amend sec. 5, page 3, by deleting line 1 and inserting:

“Sec. 3. 1. The director of the department of human resources shall take such action as is necessary to include, effective July 1, 2002, in the state plan for Medicaid the coverage authorized by section 2 of the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000.

2. This section must not be construed to authorize or”.

Amend sec. 5, page 3, by deleting line 5 and inserting:

“(a) July 1, 2002; or”.

Amend sec. 5, page 3, line 6, by deleting “2.” and inserting “(b)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:12 p.m.

ASSEMBLY IN SESSION

At 7:13 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 42—Establishing the Governor’s Task Force on Tax Policy in Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assembly Concurrent Resolution No. 3.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Carpenter.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 21.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 476.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 399, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA10, which is attached to and hereby made a part of this report.

DEBBIE SMITH
MARK A. MANENDO
BARBARA K. CEGAVSKE
Assembly Conference Committee

MAURICE E. WASHINGTON
MARK AMODEI
VALERIE WIENER
Senate Conference Committee

Conference Amendment No. CA10.

Amend the bill as a whole by deleting sections 1 through 53 and the text of repealed section and adding new sections designated sections 1 through 75 and the text of repealed section, following the enacting clause, to read as follows:

“Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. *The board of trustees of a school district shall report the information required by subsection 2 for each charter school within the school district, regardless of the sponsor of the charter school.*

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, the average class size for each required course of study for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district, and other data concerning licensed and unlicensed employees of the school district.

(d) The percentage of classes taught by teachers who have been assigned to teach English, mathematics, science or social studies but do not possess a license with an endorsement to teach in that subject area, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(f) The curriculum used by the school district, including:

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

- (1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) The amount and sources of money received for remedial education for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who graduate with:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Such other information as is directed by the superintendent of public instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teachers Association;

(5) Budget division of the department of administration; and

(6) Legislative counsel bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

5. The superintendent of public instruction may consult with representatives of parent groups other than the Nevada Parent Teachers Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. On or before April 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school

attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

Sec. 2. NRS 385.363 is hereby amended to read as follows:

385.363 1. The department shall, on or before April 1 of each year:

~~{1-}~~ (a) Evaluate the information submitted by each school district pursuant to paragraphs (b) and (g) of subsection 2 of NRS 385.347; and

~~{2-}~~ (b) Except as otherwise provided in subsection ~~{3-}~~ 2 and NRS 385.364, based upon its evaluation and in accordance with the criteria set forth in NRS 385.365 and 385.367, designate each public school within each school district as:

~~{(a)}~~ (1) Demonstrating exemplary achievement;

~~{(b)}~~ (2) Demonstrating high achievement;

~~{(c)}~~ (3) Demonstrating adequate achievement; or

~~{(d)}~~ (4) Demonstrating need for improvement.

~~{3-}~~ 2. The department shall adopt regulations that set forth the conditions under which the department will not designate a public school pursuant to this section because the school:

(a) Has too few pupils enrolled in a grade level that is tested pursuant to NRS 389.015;

(b) Serves only pupils with disabilities;

(c) Operates only as an alternative program for the education of pupils at risk of dropping out of high school ~~{5-}~~, *including, without limitation, a program of distance education for pupils at risk of dropping out of high school provided pursuant to sections 35 to 49, inclusive, of this act*; or

(d) Is operated within a:

(1) Youth training center;

(2) Youth center;

(3) Juvenile forestry camp;

(4) Detention home;

(5) Youth camp;

(6) Juvenile correctional institution; or

(7) Correctional institution.

Sec. 3. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 10, inclusive, of this act.

Sec. 4. *The provisions of NRS 386.500 to 386.610, inclusive, and sections 4 to 10, inclusive, of this act do not authorize an existing public school, home school or other program of home study to convert to a charter school.*

Sec. 5. *A charter school shall not operate for profit.*

Sec. 6. 1. *Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the*

governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560.

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 7. 1. If a charter school provides instruction to pupils enrolled in a high school grade level and the charter school requires those pupils to satisfy requirements for graduation from high school that are less than the requirements imposed by the school district in which the charter school is located, the charter school shall not issue a high school diploma of the school district but may issue a high school diploma which clearly indicates that it is a diploma issued by a charter school. If a charter school requires its pupils to satisfy requirements for graduation from high school that meet or exceed the requirements of the school district in which the charter school is located, the charter school may issue a high school diploma of the school district or a high school diploma of the charter school.

2. A charter school shall submit the form for a diploma of the charter school to the department for approval if the form differs from the form of the school district in which the charter school is located.

3. The provisions of this section do not authorize a charter school to impose requirements for graduation from high school that are less than the requirements of the applicable state statutes and regulations.

Sec. 8. 1. The fund for charter schools is hereby created in the state treasury as a revolving loan fund, to be administered by the department.

2. The money in the revolving fund must be invested as other state funds are invested. All interest and income earned on the money in the revolving fund must be credited to the revolving fund. Any money remaining in the revolving fund at the end of a fiscal year does not revert to the state general fund, and the balance in the fund must be carried forward.

3. All payments of principal and interest on all the loans made to a charter school from the revolving fund must be deposited in the state treasury for credit to the revolving fund.

4. Claims against the revolving fund must be paid as other claims against the state are paid.

5. The department may accept gifts, grants, bequests and donations from any source for deposit in the revolving fund.

Sec. 9. 1. After deducting the costs directly related to administering the fund for charter schools, the department may use the money in the fund for charter schools, including repayments of principal and interest on loans made from the fund, and interest and income earned on money in the fund, only to make loans at or below market rate to charter schools for the costs incurred:

(a) *In preparing a charter school to commence its first year of operation; and*

(b) *To improve a charter school that has been in operation.*

2. *The total amount of a loan that may be made to a charter school in 1 year must not exceed \$25,000.*

Sec. 10. 1. *If the governing body of a charter school has a written charter issued pursuant to NRS 386.527, the governing body may submit an application to the department for a loan from the fund for charter schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.*

2. *The department shall, within the limits of money available for use in the fund, make loans to charter schools whose applications have been approved. If the department makes a loan from the fund, the department shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.*

3. *The state board:*

(a) *Shall adopt regulations that prescribe the:*

(1) *Annual deadline for submission of an application to the department by a charter school that desires to receive a loan from the fund; and*

(2) *Period for repayment and the rate of interest for loans made from the fund.*

(b) *May adopt such other regulations as it deems necessary to carry out the provisions of this section and sections 8 and 9 of this act.*

Sec. 11. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, *and sections 4 to 10, inclusive, of this act*, a pupil is “at risk” if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils with limited proficiency in the English language, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 12. NRS 386.505 is hereby amended to read as follows:

386.505 The legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~The [establishment of a charter school as a justification to keep open]~~ *conversion of an existing public school [that would otherwise be closed;], home school or other program of home study to a charter school.*

2. *A means for providing financial assistance for private schools or programs of home study . [- or] The provisions of this subsection do not preclude a private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive, and sections 4 to 10, inclusive, of this act.*

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 13. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the department for authorization to sponsor charter schools within the school district. An application must be approved by the department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. *The state board shall sponsor charter schools whose applications have been approved by the state board pursuant to NRS 386.525.*

Sec. 14. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in ~~[NRS 391.311, alone or in combination with:~~

~~(a) Ten or more members]~~ subsection 4. *In addition to the teachers who serve, the committee may consist of:*

(a) Members of the general public;

(b) Representatives of ~~[an organization devoted to service to the general public;~~

~~(c) Representatives of a private business; or~~

~~(d) nonprofit organizations and businesses; or~~

(c) Representatives of a college or university within the University and Community College System of Nevada.

A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this state at the time that the application to form the charter school is submitted to the department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, ~~the subcommittee on charter schools or the state board~~, it must submit the application to the department. The application must include all information prescribed by the department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive ~~[,]~~, *and sections 4 to 10, inclusive, of this act.*

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school ~~[-]~~ *and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.*

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) *The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.*

3. The department shall review an application to form a charter school to determine whether it is complete. *If an application proposes to convert an existing public school, home school or other program of home study into a charter school, the department shall deny the application.* The department shall provide written notice to the applicant of its approval or denial of the application. If the department denies an application, the department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. *As used in subsection 1, "teacher" means a person who:*

(a) *Holds a current license to teach issued pursuant to chapter 391 of NRS; and*

(b) *Has at least 2 years of experience as an employed teacher.*

The term does not include a person who is employed as a substitute teacher.

Sec. 15. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located. *If applicable, a committee may submit an application directly to the subcommittee on charter schools pursuant to subsection 4.* If the board of trustees of a school district receives an application to form a charter school, it shall consider the application at ~~its next~~ a regularly scheduled meeting ~~[-]~~ ~~but~~ that must be held not later than ~~[-14]~~ 30 days after the receipt of the application, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, *the subcommittee on charter schools or the state board, as applicable,* shall review ~~the~~ an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, *and sections 4 to 10, inclusive, of this act* and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the department.

2. The department shall assist the board of trustees of a school district in the review of an application. The board of trustees ~~shall~~ may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request *for sponsorship by the state board* to the subcommittee on charter schools created pursuant to NRS 386.507 ~~[-]~~ not more than 30 days after

receipt of the written notice of denial . ~~[, to direct the board of trustees to reconsider the application. The subcommittee shall consider requests for reconsideration in the order in which they are received.]~~ *If an applicant proposes to form a charter school exclusively for the enrollment of pupils who receive special education pursuant to NRS 388.440 to 388.520, inclusive, the applicant may submit the written request and application directly to the subcommittee without first seeking approval from the board of trustees of a school district. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.*

5. ~~If the subcommittee receives [such a request,] a request pursuant to subsection 4, it shall hold a meeting to consider the request [at its next regularly scheduled meeting and ensure that notice] and the application. The meeting must be held not later than 30 days after receipt of the application. Notice of the meeting [is] must be posted in accordance with chapter 241 of NRS. [Not more than 30 days after the meeting, the subcommittee shall provide written notice of its determination to the applicant and to the board of trustees. If the subcommittee denies the request for reconsideration, the applicant may, not more than 30 days after the receipt of the written notice from the subcommittee, appeal the determination to the district court of the county in which the proposed charter school will be located.~~

~~5. If the subcommittee on charter schools grants a request to direct reconsideration, the written notice to the board of trustees of the school district that denied the application must include, without limitation, instructions to the board of trustees concerning the reconsideration of the application. Not more than 30 days after receipt of the written notice from the subcommittee directing the reconsideration, the board of trustees shall reconsider the application in accordance with the instructions of the subcommittee, make a final determination on the application and provide written notice of the determination to the applicant. If, upon reconsideration of the application, the board of trustees] The subcommittee shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The subcommittee shall approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.~~

6. *The subcommittee shall transmit the application and the recommendation of the subcommittee for approval or denial of the application to the state board. Not more than 14 days after the date of the meeting of the subcommittee pursuant to subsection 5, the state board shall hold a meeting to consider the recommendation of the subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The state board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The state board shall approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. Not more than 30 days after the meeting, the state board shall provide written notice of its determination to the applicant.*

7. *If the state board denies the application, the applicant may, not more than 30 days after the receipt of the written notice from the ~~{board of trustees,}~~ state board, appeal the final determination to the district court of the county in which the proposed charter school will be located.*

Sec. 16. NRS 386.527 is hereby amended to read as follows:

386.527 1. ~~{Except as otherwise provided in subsection 3, if}~~ *If the state board or the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The state board or the board of trustees, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the department of the approval and the date of the approval. ~~{The}~~ If the board of trustees ~~{that}~~ approves the application, the board of trustees shall be deemed the sponsor of the charter school. ~~{A}~~ If the state board approves the application:*

(a) The state board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the state board nor the department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

2. *Except as otherwise provided in subsection 4, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to ~~{(n)}~~ (o), inclusive, of subsection 2 of NRS 386.520 ~~{,}~~ and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the state board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.*

~~{2}~~ 3. *The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and sections 4 to 10, inclusive, of this act, and any other statute or regulation applicable to charter schools, the sponsor shall amend the written charter in accordance with the proposed amendment.*

~~[3. If the board of trustees of a school district is considering an application to form a charter school and determines that the applicant is not yet eligible for the issuance of a charter pursuant to subsection 1, it may, if applicable, hold the application in abeyance and grant a conditional charter to the applicant if the applicant:~~

~~(a) Has not obtained a building, equipment or personnel for the charter school; and~~

~~(b) Submits proof satisfactory to the entity which is considering the application that acceptance of the application is necessary to obtain the building, equipment or personnel for the charter school.~~

~~The board of trustees of a school district that grants a conditional charter pursuant to this subsection shall provide written notice to the state board of its action.~~

~~4. A conditional charter expires 1 year after its issuance and is nonrenewable. The holder of a conditional charter shall not operate a charter school and is not eligible to receive any public school money for the operation of a charter school. Before the expiration of a conditional charter, the holder of the conditional charter may submit a supplemental application and request the board of trustees that granted the conditional charter to determine whether the holder is eligible for the issuance of a charter pursuant to subsection 1. The board of trustees shall consider such a request as soon as is practicable. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the charter school must submit a new application to form a charter school.~~

4. The state board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

5. The holder of a written charter that is issued pursuant to subsection 4 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the state board pursuant to subsection 4 have been satisfied and that the facility the charter school will

occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 17. NRS 386.540 is hereby amended to read as follows:

386.540 1. The department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the department ~~and to~~, the board of trustees of a school district ~~;~~ and the *subcommittee on charter schools*, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, *the subcommittee on charter schools and the state board* in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, *and sections 4 to 10, inclusive, of this act*, including, without limitation, regulations that prescribe the procedures for accounting, budgeting and annual audits of charter schools.

Sec. 18. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~shall~~ *must* consist of at least three teachers, as defined in ~~[NRS 391.311.]~~ *subsection 4*, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. *A majority of the members of the governing body must reside in this state. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change. A person may serve on the governing body only if he submits an affidavit to the department indicating that the person has not been convicted of a felony or any offense involving moral turpitude.*

2. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

3. *The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.*

4. *As used in subsection 1, "teacher" means a person who:*

(a) *Holds a current license to teach issued pursuant to chapter 391 of NRS; and*

(b) *Has at least 2 years of experience as an employed teacher.*

The term does not include a person who is employed as a substitute teacher.

Sec. 19. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

~~{1.}~~ (a) Comply with all laws and regulations relating to discrimination and civil rights.

~~{2.}~~ (b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

~~{3.}~~ (c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

~~{4.}~~ (d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

~~{5.}~~ (e) Comply with the provisions of chapter 241 of NRS.

~~{6.}~~ (f) Except as otherwise provided in this ~~{subsection.}~~ paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the superintendent of public instruction for a waiver from providing the days of instruction required by this ~~{subsection.}~~ paragraph. The superintendent of public instruction may grant such a request if the governing body demonstrates to the satisfaction of the superintendent that:

~~{(a)}~~ (1) Extenuating circumstances exist to justify the waiver; and

~~{(b)}~~ (2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

~~{7.}~~ (g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

~~{8.}~~ (h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.

~~{9.}~~ (i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of ~~instruction~~ study that are required of pupils by statute or regulation for

promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This ~~subsection~~ paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

~~{10.}~~ (j) *If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.*

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

~~{11.}~~ (l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

~~{12.}~~ (m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and Colleges.

~~{13.}~~ (n) Adopt a final budget in accordance with the regulations adopted by the department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) *If the charter school provides a program of distance education pursuant to sections 35 to 49, inclusive, of this act, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.*

2. *A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the state board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in section 37 of this act.*

Sec. 20. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or the University and Community College System of Nevada for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation and the provision of health services for the pupils who are enrolled in the charter school.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the

board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. ~~Upon~~ *Except as otherwise provided in this subsection, upon* the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. *The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to sections 35 to 49, inclusive, of this act. Such a pupil must comply with section 45 of this act.*

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or an association for interscholastic activities. If the board of trustees so revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

Sec. 21. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the state distributive school account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. *If a charter school receives special education program units directly from this state, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this state for that purpose.*

2. *All money received by the charter school from this state or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this state.* The governing body of a charter school may negotiate with the board of trustees of the school district and the state board for additional money to pay for services which the governing body wishes to offer.

3. *Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. Upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district, if the board of trustees sponsors the charter school, or to the department if the state board sponsors the charter school. If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. The amount of reimbursement that a charter school may be required to pay pursuant to this subsection must not exceed:*

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

4. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils

who are enrolled in the charter school. Pursuant to subsection ~~[2]~~ 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

~~[4.]~~ 5. *If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.*

6. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools.

~~[5.]~~ *The state board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this state for the provision of educational programs and services to such pupils.*

7. If a charter school uses money received from this state to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 22. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this state. Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. Except as otherwise provided in subsection ~~[4.]~~ 6, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;

- (d) Ethnicity; or
 - (e) Disability,
- of a pupil.

3. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

4. *Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or who receives instruction at home, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:*

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to sections 35 to 49, inclusive, of this act.

5. *The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.*

6. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;
- (b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or
- (c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

Sec. 23. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those grades.

(b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science; and

(4) Social studies, which includes only the subjects of history, geography, economics and government.

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

3. A charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsection 2 if the person has:

(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

4. A charter school may employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A master's degree in school administration, public administration or business administration; or

(b) If the person has at least 5 years of experience in administration, a baccalaureate degree.

5. A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this state or another state.

6. *On or before November 15 of each year, a charter school shall submit to the department, in a format prescribed by the superintendent of public instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:*

- (a) The amount of salary of the employee; and*
- (b) The designated assignment, as that term is defined by the department, of the employee.*

Sec. 24. NRS 386.595 is hereby amended to read as follows:

386.595 1. *All employees of a charter school shall be deemed public employees.*

2. ~~Except as otherwise provided in this subsection, [and subsections 2 and 3,] the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school [If a written charter is renewed, the employees of the charter school may, at the time of renewal, apply for recognition as a bargaining unit pursuant to NRS 288.160.~~

~~2. A charter school is exempt from the specific provisions of the collective bargaining agreement that controls the:~~

~~(a) Periods of preparation time for teachers, provided that the charter school allows at least the same amount of time for preparation as the school district;~~

~~(b) Times of day that a teacher may work;~~

~~(c) Number of hours that a teacher may work in 1 day;~~

~~(d) Number of hours and days that a teacher may work in 1 week; and~~

~~(e) Number of hours and days that a teacher may work in 1 year.~~

~~If a teacher works more than the number of hours or days prescribed in the collective bargaining agreement, the teacher must be compensated for the additional hours or days in an amount calculated by prorating the salary for the teacher that is set forth in the collective bargaining agreement.~~

~~3. A teacher or a governing body of a charter school may request that the board of trustees of the school district and other persons who entered into the collective bargaining agreement grant a waiver from specific provisions of the collective bargaining agreement for the teacher or governing body.~~

~~4. All employees of a charter school shall be deemed public employees.~~

~~5. The] who are on a leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the school district. After the first 3 years that the employee is on a leave of absence:~~

(a) *If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.*

(b) *If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.*

3. *Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless ~~the applicable~~ a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.*

~~[6.]~~ 4. If the written charter of a charter school is revoked, the employees of the charter school must be reassigned to employment within the school district in accordance with the collective bargaining agreement.

5. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~[8.]~~ 6. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~[9.]~~ 7. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

~~[10.]~~ 8. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would

be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

~~{11.}~~ 9. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the public employees' retirement system.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

~~{12.}~~ 10. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 25. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before January 1 of each year, the governing body of each charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees of the school district in which the charter school is located, *regardless of the sponsor of the charter school*, for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. On or before April 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before June 15 of each year, the governing body of each charter school shall prepare a:

(a) Separate written report summarizing the effectiveness of the charter school's program of accountability. The report must include:

(1) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based;

(2) The identification of any problems or factors at the charter school that are revealed by the review and analysis; and

(3) A summary of the efforts that the governing body has made or intends to make to ensure that the teachers and other educational personnel employed by the governing body receive training and other professional development in:

(I) The standards of content and performance established by the council to establish academic standards for public schools pursuant to NRS 389.520;

(II) The assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils; and

(III) Specific content areas to enable the teachers and other educational personnel to provide a higher level of instruction in their respective fields of teaching.

(b) Written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to paragraph (a). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

4. On or before June 15 of each year, the governing body of each charter school shall submit copies of the written report and written procedure required pursuant to subsection 3 to the:

(a) Governor;

(b) State board;

(c) Department;

(d) Legislative committee on education created pursuant to NRS 218.5352;

(e) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356; and

(f) Board of trustees of the school district in which the charter school is located.

5. The department shall maintain a record of the information that it receives from each charter school pursuant to this section in such a manner as will allow the department to create for each charter school a yearly profile of information.

6. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to subsection 3 is included with the final budget of the charter school adopted by the governing body of the charter school pursuant to the regulations of the department.

7. The legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section,

consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 26. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before July 1 of each year, *if* the board of trustees of a school district ~~[that]~~ sponsors a charter school, *the board of trustees* shall submit a written report to the state board. The written report must include an evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the ~~board of trustees of the school district that is the~~ sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the department, the ~~board of trustees~~ *sponsor* may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 27. NRS 386.650 is hereby amended to read as follows:

386.650 1. The department shall establish and maintain a statewide automated system of information concerning pupils. The system must be designed to improve the ability of the department, school districts and the public schools in this state, *including, without limitation, charter schools*, to account for the pupils who are enrolled in the public schools ~~[]~~, *including, without limitation, charter schools*.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program for the collection, maintenance and transfer of data from the records of individual pupils to the statewide automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the department electronic data concerning pupils as required by the superintendent of public instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The superintendent of public instruction shall:

(a) Prescribe the data to be collected and reported to the department by each school district pursuant to subsection 2 ~~[]~~, *including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school*;

(b) Prescribe the format for the data;

(c) Prescribe the date by which each school district shall report the data;

(d) *Prescribe the date by which each charter school located within a school district shall report the data to the school district for incorporation into the report of the school district, regardless of the sponsor of the charter school*;

(e) Provide technical assistance to each school district to ensure that the data from each *public* school in the *school* district , *including, without limitation, each charter school located within the school district*, is compatible with the statewide automated system of information and comparable to the data reported by other school districts; and

~~[(e)]~~ (f) Provide for the analysis and reporting of the data in the statewide automated system of information.

Sec. 28. NRS 386.655 is hereby amended to read as follows:

386.655 1. The department, the school districts and the public schools , *including, without limitation, charter schools*, shall, in operating the statewide automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school , *including, without limitation, a charter school*, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district shall maintain within the statewide automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. *A charter school shall provide to the school district in which the charter school is located such information as is necessary for the school district to carry out the provisions of this subsection, regardless of the sponsor of the charter school.*

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, “education records” has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 29. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district , *including, without limitation, a program of distance education provided by the school district*, or pupils who reside in the county in which the school

district is located and are enrolled in any charter school , *including, without limitation, a program of distance education provided by a charter school,* for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) *Pupils who reside in the county and are enrolled part time in a program of distance education if an agreement is filed with the superintendent of public instruction pursuant to section 44 or 45 of this act, as applicable.*

(e) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

~~[(e)]~~ (f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 ~~[-~~

~~(f)]~~ *and pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.580.*

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

~~[(g)]~~ (h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs ~~[(e) and (f)]~~ (d), (f) and (g).

2. The state board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the state board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

4. ~~[A] The provisions of subsection 3 do not apply to a charter school [is not required to comply with the pupil-teacher ratio prescribed by the state board pursuant to subsection 3.] or a program of distance education provided pursuant to sections 35 to 49, inclusive, of this act.~~

Sec. 30. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(3) *The count of pupils not included under subparagraph (1) or (2) who are enrolled full time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.*

(4) *The count of pupils who reside in the county and are enrolled:*

(I) *In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).*

(II) *In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time*

services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1) , ~~for~~ (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

~~[(4)]~~ (6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

~~[(5)]~~ (7) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

~~[(6)]~~ (8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560 , *subsection 4 of NRS 386.580* or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department . ~~[of education.]~~

5. Pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 31. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in *this section and NRS 387.528*:

1. On or before August 1, November 1, February 1 and May 1 of each year, the superintendent of public instruction shall ~~[-, except as otherwise provided in subsections 2 and 3,]~~ apportion the state distributive school account in the state general fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school ~~[-]~~ *and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school.* No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. ~~[The]~~ *If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by section 44 of this act, the superintendent of public instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.*

2. *Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides [-] minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.* If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

~~[2-]~~ 3. *Except as otherwise provided in this subsection, the apportionment to a charter school that is sponsored by the state board, computed on a yearly basis, is equal to:*

(a) *The sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupils resides; or*

(b) *The statewide average per pupil amount for pupils who are enrolled full time,*

whichever is greater. If the calculation set forth in paragraph (a) is less than the calculation pursuant to paragraph (b), the school district in which the charter school is located shall pay the difference directly to the charter school. If a charter school provides a program of distance education

pursuant to sections 35 to 49, inclusive, of this act, the apportionment to the charter school for pupils who are enrolled in the program of distance education must be calculated as set forth in subsection 2 or 4, as applicable.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to section 44 or 45 of this act, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the superintendent of public instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the superintendent of public instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

~~{3-}~~ 6. If the state controller finds that such an action is needed to maintain the balance in the state general fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the state controller shall submit a report to the department of administration and the fiscal analysis division of the legislative counsel bureau documenting reasons for the action.

Sec. 32. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. The apportionments to a school district may be adjusted during a fiscal year by the department of education, upon approval by the *state* board of examiners and the interim finance committee, if the department of taxation and the county assessor in the county in which the school district is located certify to the department of education that the school district will not receive the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:

(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and

(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school

district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.

If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the *state* distributive school account in the state general fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the department, in a format prescribed by the department, the count of pupils calculated pursuant to subparagraph ~~{{(6)}} (8)~~ of paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils submitted to the department must be included in the final adjustment computed pursuant to subsection 4.

4. A final adjustment for each school district and charter school must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children in a school district or a charter school located within the school district described in paragraphs (a), (b), (c) and ~~{{(d)}} (e)~~ of subsection 1 of NRS 387.123 is greater on the last day of any school month of the school district after the second school month of the school district and the increase in enrollment shows at least:

(a) A 3-percent gain, basic support as computed from first month enrollment for the school district or charter school must be increased by 2 percent.

(b) A 6-percent gain, basic support as computed from first month enrollment for the school district or charter school must be increased by an additional 2 percent.

5. If the final computation of apportionment for any school district or charter school exceeds the actual amount paid to the school district or charter school during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district or charter school is less than the actual amount paid to the school district or charter school during the school year, the difference must be repaid to the state distributive school account in the state general fund by the school district or charter school before September 25.

Sec. 33. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all school money due each county school district must be paid over by the state treasurer to the county treasurer on August 1, November 1,

February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the state treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this Title and regulations adopted pursuant thereto.

4. Except as otherwise provided in this subsection, all school money due each charter school must be paid over by the state treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124. If the superintendent of public instruction has approved, pursuant to subsection {2} 5 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the state treasurer to the governing body of the charter school on July 1, October 1, January 1 or April 1, as applicable.

Sec. 34. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 49, inclusive, of this act.

Sec. 35. *As used in sections 35 to 49, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 36, 37 and 38 of this act have the meanings ascribed to them in those sections.*

Sec. 36. *“Course of distance education” means a course of study that uses distance education as its primary mechanism for delivery of instruction.*

Sec. 37. *“Distance education” means instruction which is delivered by means of video, computer, television, correspondence, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.*

Sec. 38. *“Program of distance education” means a program comprised of one or more courses of distance education that is designed for pupils who:*

1. *Are participating in a program for pupils who are at risk of dropping out of high school pursuant to NRS 388.537.*

2. *Are participating in a program of independent study pursuant to NRS 389.155.*

3. *Are enrolled in a public school that does not offer advanced or specialized courses.*

4. *Have a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050.*

5. *Are excused from compulsory attendance pursuant to NRS 392.070 and are authorized to enroll in a program of distance education pursuant to that section.*

6. *Would otherwise be excused from compulsory attendance pursuant to NRS 392.080.*

7. *Are otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675.*

8. *Are otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that special circumstances warrant enrollment for the pupil.*

9. *Are otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that special circumstances warrant enrollment for the pupil.*

Sec. 39. 1. *The department shall prepare and publish a list of courses of distance education that satisfy the requirements of sections 35 to 49, inclusive, of this act, and all other applicable statutes and regulations. If an application to provide a program of distance education is approved pursuant to section 40 of this act, the department shall automatically include on the list each course of study included within that program if the course of study had not been approved pursuant to this section before submission of the application to provide the program.*

2. *A person or entity that has developed a course of distance education, including, without limitation, a vendor of a course of distance education, the University and Community College System of Nevada or other postsecondary educational institution, a board of trustees of a school district or a governing body of a charter school, may submit an application for inclusion of the course on the list prepared by the department. The department shall approve an application if the application satisfies the requirements of sections 35 to 49, inclusive, of this act and all other applicable statutes and regulations. The department shall provide written notice to the applicant of its approval or denial of the application.*

3. *If the department denies an application, the department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies*

the requirements of sections 35 to 49, inclusive, of this act and all other applicable statutes and regulations.

Sec. 40. 1. The board of trustees of a school district or the governing body of a charter school may submit an application to the department to provide a program of distance education.

2. An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the department pursuant to section 39 of this act or a program that is comprised of one or more courses of distance education which have not been reviewed by the department before submission of the application.

3. An application to provide a program of distance education must include:

(a) All the information prescribed by the state board by regulation.

(b) Except as otherwise provided in this paragraph, proof satisfactory to the department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the department pursuant to section 39 of this act before submission of the application.

4. The department shall approve an application submitted pursuant to this section if the application satisfies the requirements of sections 35 to 49, inclusive, of this act and all other applicable statutes and regulations. The department shall provide written notice to the applicant of the department's approval or denial of the application.

5. If the department denies an application, the department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of sections 35 to 49, inclusive, of this act and all other applicable statutes and regulations.

Sec. 41. 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:

(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and

(b) During any part of the calendar year.

2. If a program of distance education is provided for pupils on a full-time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

Sec. 42. 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that, for each course offered through the program, a teacher:

(a) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course; and

(b) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress.

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a licensed teacher.

Sec. 43. 1. A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:

(a) Is participating in a program for pupils at risk of dropping out of high school pursuant to NRS 388.537;

(b) Is participating in a program of independent study pursuant to NRS 389.155;

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Is excused from compulsory attendance pursuant to NRS 392.070 and is authorized to enroll in a program of distance education pursuant to that section;

(f) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(g) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(h) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the circumstances warrant enrollment for the pupil; or

(i) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the circumstances warrant enrollment for the pupil.

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the state board pursuant to section 49 of this act.

3. A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the state board pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

Sec. 44. 1. Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

2. If the board of trustees of a school district grants permission pursuant to subsection 1, the board of trustees shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the superintendent of public instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) If the pupil plans to enroll part time in the program of distance education, contain a statement prepared by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education; and

(d) Include any other information required by the state board by regulation.

3. On or before September 1 of each year or January 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled

full time in a program of distance education provided by a school district other than the school district in which the pupil resides. On or before September 1 or January 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled in a public school of the school district and who is enrolled part time in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the superintendent of public instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

Sec. 45. 1. *If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter school in which he is enrolled provides the program of distance education.*

2. *Before a pupil who is enrolled in a charter school may enroll part time in a program of distance education that is provided by a school district or another charter school, the pupil must obtain the written permission of the governing body of the charter school in which the pupil is enrolled.*

3. *If the governing body of a charter school grants permission pursuant to subsection 2, the governing body shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:*

(a) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled indicating that the governing body understands that the superintendent of public instruction will make appropriate adjustments in the apportionments to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education; and

(d) Include any other information required by the state board by regulation.

4. On or before September 1 or January 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled in a charter school and who is enrolled part time in a program of distance education provided by a school district or another charter school. If an agreement is not filed for such a pupil, the superintendent of public instruction shall not apportion money for that pupil to the governing body of the charter school in which the pupil is enrolled, or the board of trustees or governing body that provides the program of distance education.

Sec. 46. 1. If a pupil is enrolled full time in a program of distance education provided by the board of trustees of a school district, the board of trustees that provides the program shall declare for each such pupil one public school within that school district to which the pupil is affiliated. The board of trustees may declare that all the pupils enrolled in the program of distance education are affiliated with one public school within the school district, or it may declare individual public schools for the pupils enrolled in the program. Upon the declared affiliation, the pupil shall be deemed enrolled in that public school for purposes of all the applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

2. A pupil who is enrolled full time in a program of distance education provided by a charter school shall be deemed enrolled in the charter school. All the applicable requirements, including, without limitation, statutes, regulations, rules and policies of that charter school apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

3. If a pupil is enrolled part time in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the pupil is otherwise enrolled apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

Sec. 47. 1. *If the board of trustees of a school district provides a program of distance education, the board of trustees shall ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school district, including, without limitation:*

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

2. *If the governing body of a charter school provides a program of distance education, the governing body shall:*

(a) For each pupil who is enrolled in the program, provide written notice to the board of trustees of the school district in which the pupil resides of the type of educational services that will be provided to the pupil through the program. The written notice must be provided to the board of trustees before the pupil receives educational services through the program of distance education.

(b) Ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the charter school, including, without limitation:

(1) Graduation requirements;

(2) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(3) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(4) Discipline of pupils.

Sec. 48. *On or before November 1 of each year, the board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall submit to the department and to the legislative bureau of educational accountability and program evaluation a written report that contains a summary of the program for the immediately preceding school year which includes, without limitation:*

1. A description of the manner in which the program was carried out;

2. The expenditures made for the program;

3. The number of pupils who were enrolled full time in the program and the number of pupils who were enrolled part time in the program;

4. If available, a description of the reasons why pupils enrolled in the program;

5. The number of pupils who dropped out of the program, if any;

6. *A description of any disciplinary measures taken against pupils who were enrolled in the program; and*

7. *An analysis of the academic achievement and performance of the pupils who were enrolled in the program before and after the pupils participated in the program.*

Sec. 49. 1. *The state board shall adopt regulations that prescribe:*

(a) *The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the department pursuant to section 39 of this act and the contents of the application;*

(b) *The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to provide a program of distance education and the contents of the application;*

(c) *The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with section 43 of this act;*

(d) *A method for reporting to the department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;*

(e) *The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the achievement and proficiency examinations required pursuant to NRS 389.015 and 389.550; and*

(f) *A written description of the process pursuant to which the state board may revoke its approval for the operation of a program of distance education.*

2. *The state board may adopt regulations as it determines are necessary to carry out the provisions of sections 35 to 49, inclusive, of this act.*

Sec. 50. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise permitted pursuant to this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. The superintendent of public instruction may, upon application by a board of trustees, authorize a reduction of not more than 15 school days in a particular district to establish or maintain a 12-month school program or a program involving alternative scheduling, if the board of trustees demonstrates that the proposed schedule for the program provides for a greater number of minutes of instruction than would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the superintendent of public instruction must find that the proposed schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding, or to establish and maintain a program of alternative schooling ~~[-]~~, including, without limitation, a program of distance education

provided by the board of trustees pursuant to sections 35 to 49, inclusive, of this act.

3. The superintendent of public instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner.

4. Each school district shall schedule at least 3 contingent days of school in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district.

5. If more than 3 days of free school are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the superintendent of public instruction, upon application by the school district, may permit the additional days lost to be counted as school days in session. The application must be submitted in the manner prescribed by the superintendent of public instruction.

6. The state board ~~[of education]~~ shall adopt regulations providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.

Sec. 51. NRS 388.537 is hereby amended to read as follows:

388.537 1. The board of trustees of a school district may, subject to the approval of the state board, operate an alternative program for the education of pupils at risk of dropping out of high school, including pupils who:

(a) Because of extenuating circumstances, such as their being pregnant, parents, chronically ill or self-supporting, are not able to attend the classes of instruction regularly provided in high school;

(b) Are deficient in the amount of academic credit necessary to graduate with pupils their same age;

(c) Are chronically absent from high school; or

(d) Require instruction on a more personal basis than that regularly provided in high school.

2. An alternative program may include:

(a) A shorter school day, and an opportunity for pupils to attend a longer school day, than that regularly provided in high school.

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and occupational education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

(1) The requirements for a regular high school diploma; or

(2) The requirements for a high school diploma for adults.

- (f) The provision of child care for the children of pupils.
- (g) The transportation of pupils to and from classes of instruction.
- (h) The temporary placement of pupils for independent study, if there are extenuating circumstances which prevent those pupils from attending the alternative program on a daily basis.

3. *The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to sections 35 to 49, inclusive, of this act.*

Sec. 52. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in subsections 2, 3 and 6, after the last day of the first month of the school year, the ratio in each school district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1 in classes where core curriculum is taught. In determining this ratio, all licensed educational personnel who teach kindergarten or grade 1, 2 or 3 must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. The state board may grant to a school district a variance from the limitation on the number of pupils per class set forth in subsection 1 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

4. The state board shall, on or before February 1 of each odd-numbered year, report to the legislature on:

(a) Each variance granted by it during the preceding biennium, including the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in kindergarten and grades 1, 2 and 3.

5. The department shall, on or before November 15 of each year, report to the chief of the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau:

- (a) The number of teachers employed;
- (b) The number of teachers employed in order to attain the ratio required by subsection 1;
- (c) The number of pupils enrolled; and
- (d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils, during the current school year in kindergarten and grades 1, 2 and 3 for each school district.

6. The provisions of this section do not apply to a charter school ~~[]~~ or to a program of distance education provided pursuant to sections 35 to 49, inclusive, of this act.

Sec. 53. NRS 389.017 is hereby amended to read as follows:

389.017 1. The state board shall ~~[prescribe]~~ adopt regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the superintendent of public instruction and the department, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th, 10th and 11th grades to public school pupils of the district and charter schools. The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

2. The results of examinations must be reported for each school, including, without limitation, each charter school, school district and this state, as follows:

(a) The average score, as defined by the department, of pupils who took the examinations under regular testing conditions; and

(b) The average score, as defined by the department, of pupils who took the examinations with modifications or accommodations approved by the private entity that created the examination or, if the department created the examination, the department, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. The department shall adopt regulations prescribing the requirements for reporting the scores of pupils who:

(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the department created the examination, by the department;

(b) Are enrolled in special schools for children with disabilities;

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school ~~[]~~, including, without limitation, a program of distance education that is provided to pupils who are at risk of dropping out of high school pursuant to sections 35 to 49, inclusive, of this act; or

(d) Are detained in a:

- (1) Youth training center;
- (2) Youth center;
- (3) Juvenile forestry camp;
- (4) Detention home;
- (5) Youth camp;
- (6) Juvenile correctional institution; or
- (7) Correctional institution.

The scores reported pursuant to this subsection must not be included in the average scores reported pursuant to subsection 2.

4. Not later than 10 days after the department receives the results of the achievement and proficiency examinations, the department shall transmit a copy of the results of the examinations administered pursuant to NRS 389.015 to the legislative bureau of educational accountability and program evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

5. On or before November 15 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public schools in the school district or charter school:

- (a) The examination administered;
- (b) The grade level or levels of pupils to whom the examination was administered;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December 15 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

6. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or

(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

7. In addition to the information required by subsection 5, the superintendent of public instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

8. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.

Sec. 54. NRS 389.155 is hereby amended to read as follows:

389.155 1. The state board shall, by regulation, establish a program pursuant to which a pupil enrolled full time in high school may complete any required or elective course by independent study outside of the normal classroom setting. *A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to sections 35 to 49, inclusive, of this act.*

2. The regulations must require that:

(a) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(b) The pupil and teacher meet or otherwise communicate with each other at least once each week during the course to discuss the pupil's progress.

3. The board of trustees in each school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by pupils enrolled full time in high schools in its district. A board of trustees that chooses to allow such study may provide that:

(a) The pupils participating in the independent study be given instruction individually or in a group.

(b) The independent study be offered during the regular school day.

Sec. 55. NRS 389.560 is hereby amended to read as follows:

389.560 1. The state board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school to submit to the superintendent of public instruction, the department and the council, in the form and manner prescribed by the superintendent, the results of the examinations administered pursuant to NRS 389.550. The state board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.

2. The results of the examinations must be reported for each school, including, without limitation, each charter school, school district and this state, as follows:

(a) The percentage of pupils who have demonstrated proficiency, as defined by the department, and took the examinations under regular testing conditions; and

(b) The percentage of pupils who have demonstrated proficiency, as defined by the department, and took the examinations with modifications or accommodations approved by the private entity that created the examination or, if the department created the examination, the department, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. The department shall adopt regulations prescribing the requirements for reporting the results of pupils who:

(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the department created the examination, by the department;

(b) Are enrolled in special schools for children with disabilities;

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school ~~§§~~, *including, without limitation, a program of distance education that is provided to pupils who are at risk of dropping out of high school pursuant to sections 35 to 49, inclusive, of this act*; or

(d) Are detained in a:

- (1) Youth training center;
- (2) Youth center;
- (3) Juvenile forestry camp;
- (4) Detention home;
- (5) Youth camp;
- (6) Juvenile correctional institution; or
- (7) Correctional institution.

The results reported pursuant to this subsection must not be included in the percentage of pupils reported pursuant to subsection 2.

4. Not later than 10 days after the department receives the results of the examinations, the department shall transmit a copy of the results to the legislative bureau of educational accountability and program evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

5. On or before November 15 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public schools in the school district or charter school:

(a) The examination administered;

(b) The grade level or levels of pupils to whom the examination was administered;

(c) The costs incurred by the school district or charter school in administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December 15 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

6. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations, except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or

(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

7. In addition to the information required by subsection 5, the superintendent of public instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

8. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.

Sec. 56. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless:

(a) He is legally employed by the board of trustees of the school district *or the governing body of the charter school* in which he is teaching or performing other educational functions.

(b) He has a license authorizing him to teach or perform other educational functions at the level and in the field for which he is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school *for whom a license is not required* pursuant to the provisions of NRS 386.590 . ~~and 386.595.~~

Sec. 57. NRS 391.31965 is hereby amended to read as follows:

391.31965 Except as otherwise provided in this section, if a postprobationary employee of a school district *or charter school* in this state:

1. Voluntarily leaves his employment; and

2. Is, within 5 years after the date on which he left that employment, employed by any school district *or charter school* in this state in a position that is comparable to the position in which he attained his postprobationary status,

he must be allowed to continue as a postprobationary employee and must not be required to serve the probationary period required by subsection 1 of NRS

391.3197. This section does not apply to a postprobationary employee who voluntarily leaves his employment during the pendency of a proceeding for the suspension, demotion, dismissal or refusal to reemploy the postprobationary employee.

Sec. 58. NRS 392.010 is hereby amended to read as follows:

392.010 Except as to the attendance of a pupil pursuant to NRS 392.015 *or sections 35 to 49, inclusive, of this act*, or a pupil who is ineligible for attendance pursuant to NRS 392.4675 and except as otherwise provided in NRS 392.264 and 392.268:

1. The board of trustees of any school district may, with the approval of the superintendent of public instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this state or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this state or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the superintendent of public instruction, the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school shall enter into an agreement providing for the payment of such tuition as may be agreed upon, but transportation costs must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the state; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, as provided by the agreement.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.

Sec. 59. NRS 392.035 is hereby amended to read as follows:

392.035 1. In determining the mobility of pupils in a school, for any purpose, the department shall divide the sum of the following numbers by the cumulative enrollment in the school:

(a) The number of late entries or transfers into a school from another school, school district or state, after the beginning of the school year;

(b) The number of pupils reentering the school after having withdrawn from the same school; and

(c) The number of pupils who withdraw for any reason or who are dropped for nonattendance.

2. To determine the cumulative enrollment of the school pursuant to subsection 1, the department shall add the total number of pupils enrolled in programs of instruction in the school who are included in the count for apportionment purposes pursuant to paragraphs (a) ~~[(b), (c), (e) and (f)]~~ to (d), inclusive, (f) and (g) of subsection 1 of NRS 387.123 and the number of pupils included in paragraphs (a) and (b) of subsection 1.

3. The department shall develop and distribute to the county school districts a form upon which the information necessary to the formula may be submitted by the individual schools.

Sec. 60. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 17 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides.

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4,

to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this state after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060; ~~and~~

(b) *A kindergarten established by the governing body of a charter school;*
and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 61. NRS 288.060 is hereby amended to read as follows:

288.060 "Local government employer" means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, unincorporated towns, school districts, *charter schools*, hospital districts, irrigation districts and other special districts.

Sec. 62. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *All real and personal property that is leased or rented to a charter school is hereby deemed to be used for an educational purpose and is exempt from taxation. If the property is used partly for the lease or rental to a charter school and partly for other purposes, only the portion of the property that is used for the lease or rental to a charter school is exempt pursuant to this subsection.*

2. *To qualify for an exemption pursuant to subsection 1, the property owner must provide the county assessor with a copy of the lease or rental agreement indicating that:*

(a) *The property is leased or rented to the charter school; and*

(b) *The amount of payment required by the charter school pursuant to the agreement is reduced in an amount which is at least equal to the amount of the tax that would have been imposed if the property were not exempt pursuant to subsection 1.*

Sec. 63. NRS 361.065 is hereby amended to read as follows:

361.065 All lots, buildings and other school property owned by any legally created school district *or charter school* within the state and devoted to public school purposes are exempt from taxation.

Sec. 64. Section 60 of chapter 606, Statutes of Nevada 1999, at page 3324, is hereby amended to read as follows:

Sec. 60. 1. This section and sections 56 and 57 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, 13 to 16, inclusive, 18 to 24, inclusive, 26 to 45, inclusive, 47 to 54, inclusive, and 58 and 59 of this act become effective on July 1, 1999.

3. Sections 17, 25 and 46 of this act become effective at 12:01 a.m. on July 1, 1999.

4. ~~Section 12.5 of this act becomes effective on July 1, 2001.~~

~~5.]~~ Section 55 of this act becomes effective on July 1, ~~[2003.]~~ 2006.

Sec. 64.5. Section 1 of Senate Bill No. 243 of this session is hereby amended to read as follows:

Section 1. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. Except as otherwise provided in this subsection, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school who are on a leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the

school district. After the first 3 years that the employee is on a leave of absence:

(a) If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.

(b) If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.

3. Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

4. ~~[(b)]~~ *Except as otherwise provided in this subsection, if the written charter of a charter school is revoked ~~[(b)]~~ or if a charter school ceases to operate as a charter school, the employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign an employee of a charter school pursuant to this subsection if the employee:*

(a) Was not granted a leave of absence by the school district to teach at the charter school pursuant to subsection 5; or

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5.

5. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation,

participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

7. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

8. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

9. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the public employees' retirement system.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

10. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 65. If the membership of the governing body of a charter school that is in operation before July 1, 2002, does not comply with the amendatory provisions of section 18 of this act, the charter school shall make appropriate changes to the membership of the governing body and otherwise take appropriate action to ensure that the governing body of the charter school complies with the amendatory provisions of section 18 of this act on or before July 1, 2002.

Sec. 66. Notwithstanding the provisions of subsection 1 of NRS 288.180 to the contrary, an employee organization established pursuant to chapter 288 of NRS which desires to negotiate with the governing body of a charter school:

1. Concerning a collective bargaining agreement intended to become effective during the 2001-2002 school year; and

2. With respect to a subject of negotiation that requires the budgeting of money,

must apply to the governing body for recognition on or before September 1, 2001, and give the notice required by subsection 1 of NRS 288.180 on or before October 1, 2001.

Sec. 67. If a person accepts an offer of employment from a charter school before the effective date of section 24 of this act and takes a leave of absence from the school district in which the charter school is located, the 3-year period provided in the amendatory provisions of subsection 2 of section 24 of this act begins to run after the effective date of that section, upon the renewal of any applicable collective bargaining agreement entered into by the board of trustees of the school district.

Sec. 68. The state board of education shall consider sponsorship of charter schools in accordance with the amendatory provisions of section 15 of this act for schools that will commence operation during or after the 2002-2003 school year.

Sec. 69. 1. On or before December 1, 2001, the state board of education shall submit a draft of the regulations required by section 49 of this act to the legislative committee on education for the review and comment of the committee.

2. On or before February 1, 2002, the legislative committee on education shall review the draft regulations and provide comment to the state board.

3. On or before April 1, 2002, the state board shall adopt final regulations required by section 49 of this act.

Sec. 70. The department of education shall accept applications to provide programs of distance education in accordance with section 40 of this act for programs that will commence operation with the 2002-2003 school year. If any deadlines contained within the regulations adopted by the state board pursuant to section 49 of this act prohibit a school district or charter school from submitting an application for the 2002-2003 school year, the department shall grant a shorter period of time for the school district or charter school to submit an application for the 2002-2003 school year, notwithstanding the provisions of those regulations.

Sec. 71. If a school district or charter school has provided before June 1, 2001, a program that includes distance education in accordance with all applicable statutes and regulations, the school district or charter school may continue to offer that program for the 2001-2002 school year if the school district or charter school provides written notice of the existence of the program to the department of education on or before July 1, 2001. After the 2001-2002 school year, the school district or charter school must comply with sections 35 to 49, inclusive, of this act, if it desires to continue the program. The provisions of this section apply to a charter school regardless

of whether the terms of the written charter of the charter school authorize the charter school to provide a program that includes distance education.

Sec. 72. The department of education shall provide the financial support necessary for the school districts and charter schools to incorporate charter schools into the statewide automated system of information concerning pupils pursuant to the amendatory provisions of sections 27 and 28 of this act.

Sec. 73. The amendatory provisions of this act do not apply to offenses committed before July 1, 2001.

Sec. 74. Section 12.5 of chapter 606, Statutes of Nevada 1999, at page 3292, is hereby repealed.

Sec. 75. 1. This section and sections 24, 64, 66 and 67 of this act become effective upon passage and approval.

2. Sections 3 to 12, inclusive, 14, 16 to 19, inclusive, 21, 22, 23, 27, 28, 56, 60 to 63, inclusive, 65, and 68 to 74, inclusive, of this act become effective on July 1, 2001.

3. Sections 57 and 64.5 of this act become effective at 12:01 a.m. on July 1, 2001.

4. Sections 1, 2, 13, 15, 20, 25, 26, 29, 30 to 55, inclusive, 58 and 59 of this act become effective on July 1, 2002.

TEXT OF REPEALED SECTION

Section 12.5 of chapter 606, Statutes of Nevada 1999:

Sec. 12.5. NRS 386.510 is hereby amended to read as follows:

386.510 1. Except as otherwise provided in subsection 2:

(a) In a county whose population is more than 400,000, ~~[two]~~ four charter schools may be formed per every 75,000 pupils who are enrolled in public schools in the county school district.

(b) In a county whose population is more than 100,000 but less than 400,000, ~~[two]~~ four charter schools may be formed.

(c) In a county whose population is less than 100,000, one charter school may be formed.

2. The limitations set forth in subsection 1 do not apply to charter schools that are dedicated to providing educational programs and opportunities for pupils who are at risk.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; prohibiting an existing public school or home school from converting to a charter school; prohibiting a charter school from operating for profit; creating the fund for charter schools; providing for the sponsorship of charter schools by the state board of education; revising the collective bargaining provisions applicable to charter school employees who are on a leave of absence from a school district; revising provisions governing the formation, operation and personnel of charter schools; authorizing the boards of trustees of school districts and the governing bodies of charter schools to provide programs of distance education for certain

pupils; requiring the state board to adopt regulations prescribing the requirements of programs of distance education; revising the provisions governing the apportionments of money from the state distributive school account to provide for the payment of money for pupils who are enrolled in programs of distance education; providing that certain property of charter schools and certain property leased or rented to charter schools is exempt from taxation; extending the prospective removal of the limit on the number of charter schools that may be formed; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing charter schools and authorizes programs of distance education. (BDR 34-859)”.

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 399.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 202, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA20, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE

TERRY CARE

WILLIAM R. O'DONNELL

HARRY MORTENSON

JON C. PORTER

Assembly Conference Committee

Senate Conference Committee

Conference Amendment No. CA20.

Amend sec. 19, page 9, by deleting lines 15 through 19 and inserting:

“(f) That portion of the salaries and other expenses of the office for”.

Amend sec. 20, page 10, by deleting lines 7 through 11 and inserting:

“6. The administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount to be deposited in the uninsured employers’ claim ~~fund~~ *account*. To establish the amount of the assessment, the administrator shall determine the amount of money necessary to maintain an appropriate balance in the ~~fund~~ *account* for each fiscal year and shall allocate a portion of that amount to be payable by private carriers, a portion to be payable by self-insured employers, a portion to be payable by associations of self-insured public or private employers and a portion to be payable by the employers who provide accident benefits pursuant to NRS 616C.265, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable, the administrator shall apply an assessment rate to the:

(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;

(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;

(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflects the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.

The administrator shall adopt regulations for the establishment and administration of the assessment rates, payments and any penalties that the administrator determines are necessary to carry out the provisions of this subsection. As used in this subsection, the term "group of insurers" includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265."

Amend sec. 25, page 12, by deleting line 14 and inserting: "rates must result in an equitable distribution of costs among the self-".

Amend sec. 25, page 12, line 15, by deleting the comma.

Amend sec. 31, page 15, by deleting line 14 and inserting: "rates must result in an equitable distribution of costs among the".

Amend sec. 31, page 15, line 15, by deleting the comma.

Amend sec. 34, page 17, by deleting lines 35 through 37 and inserting: "private carriers, must result in an equitable distribution of costs among the private carriers and must be based upon expected annual premiums to be received."

Amend sec. 45, page 28, by deleting line 7 and inserting:

"Sec. 45. 1. This section and sections 1 to 18, inclusive, 21 to 24, inclusive, 26 to 30, inclusive, 32, 33, 35 to 42, inclusive, and 44 of this act become effective on July 1, 2001.

2. Sections 19, 20, 25, 31, 34 and 43 of this act become effective at 12:01 a.m. on July 1, 2001."

Amend the bill as a whole by deleting the text of repealed sections and adding the text of the repealed sections, to read as follows:

"

TEXT OF REPEALED SECTIONS

227.215 Minimum amount for drawing warrant; exceptions. Unless the state controller determines that earlier payment is necessary, he shall not

draw a warrant for less than \$25, but shall accumulate claims for less than \$25 until:

1. The claims of a particular claimant amount to \$25 or more; or
2. The end of the fiscal year.

353.145 Renewal of claim by presentation to state board of examiners; payment.

1. If a warrant of the state controller has been canceled pursuant to the provisions of NRS 353.130, the person in whose favor the warrant was drawn may, within 1 year after the date of the original warrant, renew his claim against the state, in the amount of the warrant which was canceled, by presenting the claim for approval by the state board of examiners, except that the state board of examiners may authorize its clerk, under such circumstances as it deems appropriate, to approve such a claim on behalf of the board. A person who is aggrieved by a determination of the clerk to deny all or any part of such a claim may appeal that determination to the state board of examiners.

2. If a claim is approved pursuant to this section, payment of the claim may be made out of the stale claims account as provided in NRS 353.097.”.

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 202.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 394, consisting of the undersigned members, has met and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

BARBARA E. BUCKLEY

JON C. PORTER

JOHN OCEGUERA

TERRY CARE

Assembly Conference Committee

Senate Conference Committee

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 394.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 362, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

JOSEPH E. DINI, JR.

DEAN A. RHOADS

LYNN C. HETRICK

MARK AMODEI

P.M. "ROY" NEIGHBORS

Assembly Conference Committee

Senate Conference Committee

Assemblyman Dini moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 362.

Remarks by Assemblyman Dini.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 520.

The following Senate amendment was read:

Amendment No. 1176.

Amend section 1, page 1, line 1, by deleting “There” and inserting “1. There”.

Amend section 1, page 1, line 2, by deleting “Education” and inserting “Administration”.

Amend section 1, page 1, between lines 5 and 6 by inserting:

“2. Upon acceptance of the money appropriated by subsection 1, the Governor’s Advisory Council on Education Relating to the Holocaust agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Council through December 1, 2002; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1.”

Amend the title of the bill, first line, by deleting “Education” and inserting “Administration”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Administration for distribution of grant of money to Governor’s Advisory Council on Education Relating to the Holocaust for carrying out duties of Council and continuing its educational programs. (BDR S-1434)”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 520.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Manendo and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 666.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:33 p.m.

ASSEMBLY IN SESSION

At 7:34 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 511.

The following Senate amendment was read:

Amendment No. 1167.

Amend section 1, page 1, line 1, before “There” by inserting “1.”.

Amend section 1, page 1, between lines 3 and 4, by inserting:

“2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

3. The Tahoe Regional Planning Agency shall:

(a) Submit a quarterly report to the Interim Finance Committee regarding the nature and progress of the research being conducted; and

(b) Upon completion of the research, submit a final report to the Interim Finance Committee regarding that research.”.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 511.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Assembly Bill No. 405.

Bill read third time.

Roll call on Assembly Bill No. 405:

YEAS—42.

NAYS—None.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 20 of the 70th Session.

Resolution read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Joint Resolution No. 20 of the 70th Session:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 20 of the 70th Session having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblymen Hettrick and Brower.

Roll call on Assembly Bill No. 232:

YEAS—42.

NAYS—None.

Assembly Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 673.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 673:

YEAS—42.

NAYS—None.

Assembly Bill No. 673 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 170.

Bill read third time.

Roll call on Senate Bill No. 170:

YEAS—42.

NAYS—None.

Senate Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 583.

Bill read third time.

Roll call on Senate Bill No. 583:

YEAS—42.

NAYS—None.

Senate Bill No. 583 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 584.

Bill read third time.

Roll call on Senate Bill No. 584:

YEAS—42.

NAYS—None.

Senate Bill No. 584 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 585.

Bill read third time.

Roll call on Senate Bill No. 585:

YEAS—42.

NAYS—None.

Senate Bill No. 585 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 586.

Bill read third time.

Roll call on Senate Bill No. 586:

YEAS—42.

NAYS—None.

Senate Bill No. 586 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Carpenter and Anderson as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 394.

Mr. Speaker appointed Assemblymen Bache, Dini and Von Tobel as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 664.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 666, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA13, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

MARK A. MANENDO

JOHN C. CARPENTER

Assembly Conference Committee

MARK A. JAMES

TERRY CARE

JON C. PORTER

Senate Conference Committee

Conference Amendment No. CA13.

Amend the bill as a whole by adding a new section designated sec. 43.1, following sec. 43, to read as follows:

“Sec. 43.1. Section 1 of Assembly Bill No. 225 of this session is hereby amended to read as follows:

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public body shall not consider at a meeting whether to:*

(a) *Take administrative action against a person; or*

(b) *Acquire real property owned by a person by the exercise of the power of eminent domain,*
unless the public body has given written notice to that person of the time and place of the meeting.

2. *The written notice required pursuant to subsection 1 must be:*

(a) *Delivered personally to that person at least 5 working days before the meeting; or*

(b) *Sent by certified mail to the last known address of that person at least 21 working days before the meeting.*

A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in subsection 1 relating to that person at a meeting.

3. *The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.*

4. *For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.”.*

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 666.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 62, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA22, which is attached to and hereby made a part of this report.

MARCIA DE BRAGA

DOUGLAS A. BACHE

JOHN C. CARPENTER

Assembly Conference Committee

ANN O'CONNELL

DINA TITUS

JON C. PORTER

Senate Conference Committee

Conference Amendment No. CA22.

Amend the bill as a whole by deleting section 1 and renumbering sec. 1.5 as section 1.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to animals; increasing the penalties for certain mistreatment of animals;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Increases penalties for certain mistreatment of animals. (BDR 50-713)”.

Assemblyman de Braga moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 62.

Remarks by Assemblyman de Braga.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 216, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA24, which is attached to and hereby made a part of this report.

DAVID R. PARKS

JOHN OCEGUERA

DENNIS NOLAN

Assembly Conference Committee

RANDOLPH J. TOWNSEND

MARK AMODEI

MICHAEL SCHNEIDER

Senate Conference Committee

Conference Amendment No. CA24.

Amend sec. 4, page 2, by deleting lines 31 and 32 and inserting:

“(b) *Meet all applicable requirements imposed pursuant to:*

(1) *This chapter;*

(2) *Chapter 624 of NRS; and*

(3) *Any regulations adopted by the board, with respect”.*

Amend sec. 4.5, pages 2 and 3, by deleting line 48 on page 2 and lines 1 through 5 on page 3, and inserting:

“*construction of a residential pool or spa shall not act as, or carry out the duties of, an officer, director, employee or owner of a bonding company, finance company, or any other corporation or”.*

Amend sec. 5, page 3, line 40, after “5.” by inserting: “*A contract for the repair, restoration, improvement or construction of a residential pool or spa, regardless of use, is not enforceable against the owner if the contractor receives from a third-party, either directly or indirectly, remuneration or any other thing of value for a loan to finance the repair, restoration, improvement or construction and that fact is not disclosed in writing in the contract.*

6.”.

Amend sec. 6, page 4, by deleting lines 1 through 4 and inserting:

“2. *It is unlawful for a person to violate any provision of NRS 597.716 or 597.719 or sections 2 to 5, inclusive, of this act.*

3. *Any person who violates any provision of NRS 597.716 or 597.719 or sections 2 to 5, inclusive, of this act:*

(a) *For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.*

(b) *For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than 1 year.*

(c) *For the third or subsequent offense, is guilty of a class E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.*

4. *The imposition of a penalty provided for in this section is not*".

Amend sec. 11, page 7, lines 16 and 17, by deleting: "*residences, contractors and financial institutions*" and inserting: "*residences and contractors*".

Amend sec. 13, page 8, line 19, by deleting "624.291." and inserting: "624.291 or section 4 of *Assembly Bill No. 620 of this [act] session.*".

Amend sec. 19, page 11, line 4, by deleting: "10 to 13, inclusive, and" and inserting: "10, 11, 12,".

Amend sec. 19, page 11, line 6, after "Sections" by inserting "13,".

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 216.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 171, consisting of the undersigned members, has met and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

MARK A. MANENDO

JOHN C. CARPENTER

TOM COLLINS

Assembly Conference Committee

JON C. PORTER

MIKE MCGINNESS

VALERIE WIENER

Senate Conference Committee

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 171.

Remarks by Assemblyman Manendo.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Nolan and Claborn as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 171.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 504.

The following Senate amendment was read:

Amendment No. 1181.

Amend section 1, page 1, line 2, by deleting "\$70,000" and inserting "\$80,000".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 504.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 234.

The following Senate amendment was read:

Amendment No. 1093.

Amend sec. 5, page 2, by deleting lines 8 and 9 and inserting:

“Vehicles and Public Safety the sum of \$62,000 for a shortfall caused by an increase in fingerprint expenses and by the payment of terminal leave. This”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 234.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 530.

The following Senate amendment was read:

Amendment No. 1152.

Amend section 1, page 1, line 1, by deleting “There” and inserting “1. There”.

Amend section 1, page 1, line 2, by deleting “\$67,887” and inserting “\$54,572”.

Amend section 1, page 1, between lines 3 and 4 by inserting:

“2. There is hereby appropriated from the state general fund to the Department of Human Resources the sum of \$13,315 for costs relating to the fingerprinting of the employees of the Welfare Division.”.

Amend section 2, page 1, line 4, by deleting “appropriation” and inserting “appropriations”.

Amend the title of the bill to read as follows:

“AN ACT making appropriations to the Department of Human Resources for the Welfare Division’s telephone system and for costs relating to the fingerprinting of employees of the Welfare Division.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to Department of Human Resources for Welfare Division’s telephone system and for costs relating to fingerprinting of employees of Welfare Division. (BDR S-1370)”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 530.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 522.

The following Senate amendment was read:

Amendment No. 1177.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: “the sum of \$220,400 for:

1. Minor remodeling of the Grant Sawyer State Office Building; and
2. Moving expenses of various agencies to and from the Grant Sawyer State Office Building.”.

Amend the title of the bill by deleting the second line and inserting: “of Administration for certain expenses related to the”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Buildings and Grounds Division of Department of Administration for moving expenses of various agencies to and from, and minor remodeling of, Grant Sawyer State Office Building. (BDR S-1356)”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 522.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:57 p.m.

ASSEMBLY IN SESSION

At 10:40 p.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker announced that pursuant to Assembly Standing Rule No. 1, section 2, subsection (d), Assemblyman Anderson would act as presiding officer.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 271, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA32, which is attached to and hereby made a part of this report.

DAVID E. HUMKE

TOM COLLINS

DEBBIE SMITH

Assembly Conference Committee

MARK AMODEI

RANDOLPH J. TOWNSEND

BERNICE MATHEWS

Senate Conference Committee

Conference Amendment No. CA32.

Amend the bill as a whole by deleting sections 2 and 3 and adding new sections designated sections 2 and 3 to read as follows:

“Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a person is under the age of 16 years on the date on which the department issues a license to him pursuant to NRS 483.250, he shall not, during the 90 days immediately succeeding the date on which the department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.*

2. *If a person is 16 years of age or older but less than 17 years of age, on the date on which the department issues a license to him pursuant to NRS 483.250, he shall not, during the 60 days immediately succeeding the date on which the department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.*

3. *If a person is 17 years of age or older but less than 18 years of age, on the date on which the department issues a license to him pursuant to NRS 483.250, he shall not, during the 30 days immediately succeeding the date on which the department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.*

Sec. 3. NRS 483.250 is hereby amended to read as follows:

483.250 The department shall not issue any license ~~under~~ pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) Except as otherwise provided in paragraph (e), a license to a person between the ages of ~~16~~ 15 3/4 and 18 years ~~who~~ if:

(1) *He* has completed a course:

~~{(1)}~~ (I) In automobile driver education pursuant to NRS 389.090; or

~~{(2)}~~ (II) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090 ~~and who~~ ;

(2) *He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280 ~~[The]~~ ;*

(3) *His parent or legal guardian ~~[of a person who desires to obtain a license pursuant to this paragraph must sign and submit]~~ signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the training and experience required by ~~[this paragraph.]~~ subparagraph (2); and*

(4) *He has held an instruction permit for at least:*

(I) *Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;*

(II) *Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or*

(III) *Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.*

(e) A license to a person who is between the ages of ~~[16]~~ 15 3/4 and 18 years if:

(1) The public school in which he is enrolled is located in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000;

(2) The public school does not offer automobile driver education;

(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280; ~~[and]~~

(4) His parent or legal guardian signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the experience required by subparagraph (3) ~~[]~~ ; and

(5) *He has held an instruction permit for at least:*

(I) *Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;*

(II) *Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or*

(III) *Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.*

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but ~~[]~~ upon good cause shown to the administrator, the department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this state.

8. To any child who is the subject of a court order issued pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.2255, 62.226 or 62.228 which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.”.

Assemblyman Humke moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 271.

Remarks by Assemblyman Humke.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 381.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5; Senate Concurrent Resolutions Nos. 50, 54.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 378, Amendment No. 1237; Assembly Bill No. 564, Amendment No. 1228, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 460, and requests a conference, and appointed Senators O'Donnell, Jacobsen and Shaffer as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 219 and appointed Senators Jacobsen, McGinness and Mathews as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 219.

Also, I have the honor to inform your honorable body that the Senate on this day refused to adopt the report of the first Conference Committee concerning Assembly Bill No. 246, and requests a second conference, and appointed Senators Amodei, Washington and Care to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Assembly Bill No. 195.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 399.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 637.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 86, 141, 355.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolutions Nos. 3, 5, 9.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1186 to Senate Bill No. 56; Assembly Amendment No. 1115 to Senate Bill No. 570.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 489.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Wiener and Care as a first Conference Committee concerning Senate Bill No. 286.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Washington and Care as a first Conference Committee concerning Senate Bill No. 576.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, Amodei and Care as a first Conference Committee concerning Senate Bill No. 577.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 483, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA33, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

DOUGLAS A. BACHE

BOB BEERS

Assembly Conference Committee

JON C. PORTER

TERRY CARE

WILLIAM R. O'DONNELL

Senate Conference Committee

Conference Amendment No. CA33.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 8 as sections 1 through 6.

Amend sec. 3, page 3, by deleting lines 13 through 19 and inserting:

“Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In addition to filing the forms designed and provided by the secretary of state pursuant to NRS 294A.120, 294A.125 and 294A.200, or the forms designed and provided by a city clerk pursuant to NRS 294A.360, as appropriate, each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, 294A.125, 294A.200 or 294A.360 shall file a separate form relating only to goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form each such campaign contribution he receives and each expense in excess of \$100 he incurs during the reporting period.”.*

Amend sec. 3, page 3, by deleting line 24 and inserting: “*required to use the form to file a report pursuant to NRS 294A.360. The city clerk shall*

submit the form to the secretary of state for approval. The city clerk shall not use such a form until it is approved. The”.

Amend sec. 3, page 3, by deleting line 29 and inserting:

“3. The secretary of state and each city clerk shall not require a candidate to list the campaign contributions and expenses described in this section on any form other than a form designed and provided pursuant to this section.

4. Upon request, the secretary of state shall provide a copy of the”.

Amend sec. 4, pages 3 through 5, by deleting lines 36 through 49 on page 3, lines 1 through 48 on page 4 and lines 1 through 33 on page 5, and inserting:

“Sec. 2. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Seven days before the primary election, for the period from 30 days before the regular session of the legislature after the last election for that office up to 12 days before the primary election;

(b) Seven days before the general election, whether or not the candidate won the primary election, for the period from 12 days before the primary election up to 12 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days before the next regular session of the legislature,

list each of the campaign contributions *that* he receives during the period on forms designed and provided by the secretary of state ~~and~~ *pursuant to this section and section 1 of this act. Each form must be signed by the candidate under penalty of perjury.*

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination up to 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election, list each of the campaign contributions *that* he receives during the period on forms designed and provided by the secretary of state ~~and~~ *pursuant to this section and section 1 of this act. Each form must be signed by the candidate under penalty of perjury.*

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions *that* he receives on forms designed and provided by the secretary of state *pursuant to this section and section 1 of this act*, and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall up to the date of the district court's decision.

4. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to subsection 4 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period.

7. The form designed and provided by the secretary of state for the reporting of contributions pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign contribution as he receives it.”.

Amend sec. 5, pages 5 and 6, by deleting lines 34 through 49 on page 5 and lines 1 through 26 on page 6, and inserting:

“Sec. 3. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held, shall, for:

(a) The year in which he receives contributions in excess of \$10,000, list each of the contributions *that* he receives and *the expenditures in excess of \$100* made in that year.

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions *that he* received and the expenditures *in excess of \$100* made in that year.

2. The reports required by subsection 1 must be submitted on ~~[a form]~~ forms designed and provided by the secretary of state ~~[and]~~ pursuant to this section and section 1 of this act. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution

in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The forms designed and provided by the secretary of state for the reporting of contributions and expenditures pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign contribution as he receives it and each expenditure as it is made.

~~{4-}~~ 5. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

(b) On or before January 15 of the year immediately after the year for which the report is made.

~~{5-}~~ 6. A county clerk who receives from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection ~~{4}~~ 5 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.”.

Amend sec. 6, pages 6 through 8, by deleting lines 27 through 49 on page 6, lines 1 through 48 on page 7 and lines 1 through 31 on page 8, and inserting:

“Sec. 4. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Seven days before the primary election, for the period from 30 days before the regular session of the legislature after the last election for that office up to 12 days before the primary election;

(b) Seven days before the general election, whether or not the candidate won the primary election, for the period from 12 days before the primary election up to 12 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days before the next regular session of the legislature,

list each of the campaign expenses *in excess of \$100 that* he incurs during the period on forms designed and provided by the secretary of state ~~{and}~~ pursuant to this section and section 1 of this act. Each form must be signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination up to 12 days before the special election; and

(b) Sixty days after the special election, for the remaining period up to 30 days after the special election, list each of the campaign expenses *in excess of \$100 that* he incurs during the period on forms designed and provided by the

secretary of state ~~[and]~~ *pursuant to this section and section 1 of this act. Each form must be signed by the candidate under penalty of perjury.*

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list the campaign expenses *in excess of \$100 that he incurs on forms designed and provided by the secretary of state pursuant to this section and section 1 of this act* and signed by the candidate under penalty of perjury, 60 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall up to 30 days after the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall up to the date of the district court's decision.

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to subsection 4 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. The forms designed and provided by the secretary of state for the reporting of campaign expenses pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign expense as he incurs it.”.

Amend sec. 7, pages 8 through 10, by deleting lines 32 through 48 on page 8, lines 1 through 49 on page 9 and lines 1 through 13 on page 10, and inserting:

“Sec. 5. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office where the general city election is preceded by a primary city election shall file the reports in the manner required by NRS 294A.120, 294A.200 and 294A.350 for other offices not later than:

(a) Seven days before the primary city election, for the period from 30 days after the last election for that office up to 12 days before the primary city election;

(b) Seven days before the general city election, whether or not the candidate won the primary city election, for the period from 12 days before the primary city election up to 12 days before the general city election; and

(c) The 15th day of the second month after the general city election, for the remaining period up to 30 days after the general city election.

2. Every candidate for city office where there is no primary city election shall so file those reports:

(a) Seven days before the general city election, for the period from 30 days after the last election for that office up to 12 days before the general city election; and

(b) The 15th day of the second month after the general city election, for the remaining period up to 30 days after the general city election.

3. The city clerk shall design the form for each report a candidate for city office is required to file pursuant to NRS 294A.120 and 294A.200. The form designed and provided by the city clerk for the reporting of campaign contributions and campaign expenses pursuant to this section must be designed to be used to record in the form of a list each campaign contribution as it is made and each campaign expense *in excess of \$100* as it is incurred. The city clerk shall submit the form to the secretary of state for approval. The city clerk shall not use such a form until it is approved.”.

Amend sec. 8, page 10, line 34, by deleting “3” and inserting “1”.

Amend the bill as a whole by deleting sections 9 through 11 and renumbering sec. 12 as sec. 7.

Amend the bill as a whole by deleting the text of the repealed section.

Amend the title of bill to read as follows:

“AN ACT relating to elections; requiring the secretary of state and each city clerk to design the form to be used by a candidate for reporting in kind campaign contributions and expenses; removing the requirement that campaign expenses under a certain amount be separately listed on forms for reporting; revising provisions governing the listing of certain categories of campaign expenses and expenditures; and providing other matters properly relating thereto.”.

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 483.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 489, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA14, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE

MERLE BERMAN

HARRY MORTENSON

Assembly Conference Committee

WILLIAM R. O'DONNELL

JOSEPH NEAL

JON C. PORTER

Senate Conference Committee

Conference Amendment No. CA14.

Amend sec. 3, page 2, line 30, after “deputy,” by inserting: “*an assistant treasurer,*”.

Amend sec. 10, page 7, line 4, by deleting “section,” and inserting: “section and NRS 33.017 to 33.100, inclusive, and section 1 of *Assembly Bill No. 581 of this [act] session*.”

Amend sec. 10, page 8, line 20, by deleting “half” and inserting “one-half”.

Amend sec. 13, page 9, by deleting lines 14 and 15 and inserting: “fund for use by the director of the department of”.

Amend sec. 25, page 11, line 4, by deleting “[~~5~~] 3” and inserting “3”.

Amend sec. 25, page 12, line 12, by deleting “5” and inserting “3”.

Amend the bill as a whole by deleting sec. 26 and inserting:

“Sec. 26. (Deleted by amendment.)”.

Amend sec. 27, page 12, line 48, by deleting “5” and inserting “3”.

Amend sec. 27, page 13, line 23, by deleting “~~5~~” and inserting “3”.

Amend sec. 29, page 13, line 34, by deleting “5” and inserting “3”.

Amend the bill as a whole by deleting sec. 30 and inserting:

“Sec. 30. (Deleted by amendment.)”.

Amend sec. 33, page 15, by deleting line 14 and inserting: “before November 1 of each 3-year period after November 1, 1999, which”.

Amend sec. 50, page 23, by deleting lines 40 through 43 and inserting: “subsections 5 and 6, the state controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the office of the court”.

Amend sec. 68, page 32, line 47, by deleting “5” and inserting “3”.

Amend sec. 68, page 33, lines 1 and 7, by deleting “5” and inserting “3”.

Amend sec. 69, page 33, lines 26, 29 and 35, by deleting “5” and inserting “3”.

Amend the bill as a whole by adding new sections, designated sections 71.1, 71.3, 71.5, 71.7 and 71.9, following sec. 71, to read as follows:

“Sec. 71.1. Section 3 of Assembly Bill No. 227 of this session is hereby amended to read as follows:

Sec. 3. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the secretary of state receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220, ~~294A.230~~, 294A.270, 294A.280 or 294A.360 has not filed a report *or form for registration* pursuant to the applicable provisions of those sections, the secretary of state may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the first judicial district court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.170, 294A.180, 294A.200, 294A.210, 294A.220, ~~294A.230~~, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney’s fees. The civil penalty must be recovered in a civil action brought in the name of the State of

Nevada by the secretary of state in the first judicial district court and deposited by the secretary of state for credit to the state general fund in the bank designated by the state treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

4. For good cause shown, the secretary of state may waive a civil penalty that would otherwise be imposed pursuant to this section. If the secretary of state waives a civil penalty pursuant to this subsection, the secretary of state shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 71.3. Section 25 of Assembly Bill No. 638 of this session is hereby amended to read as follows:

Sec. 25. NRS 281.581 is hereby amended to read as follows:

281.581 1. A candidate *for public office* or public ~~for judicial~~ officer who fails to file his statement of financial disclosure in a timely manner pursuant to NRS 281.561 is subject to a civil penalty and payment of court costs and attorney's fees. Except as otherwise provided in subsection 3, the amount of the civil penalty is:

(a) If the statement is filed not more than 7 days late, \$25 for each day the statement is late.

(b) If the statement is filed more than 7 days late but not more than 15 days late, \$175 for the first 7 days, plus \$50 for each additional day the statement is late.

(c) If the statement is filed more than 15 days late, \$575 for the first 15 days, plus \$100 for each additional day the statement is late.

2. The commission may, for good cause shown, waive or reduce the civil penalty.

3. The civil penalty imposed for a violation of this section must not exceed the annual compensation for the office for which the statement was filed.

4. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the commission in a court of competent jurisdiction and deposited by the commission in the account for credit to the state general fund in the bank designated by the state treasurer.

5. If the commission waives a civil penalty pursuant to subsection 2, the commission shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 71.5. Section 27 of Assembly Bill No. 638 of this session is hereby amended to read as follows:

Sec. 27. ~~[Section]~~ Sections 20 and 25 of this act ~~[becomes]~~ become effective at 12:01 a.m. on October 1, 2001.

Sec. 71.7. Section 1 of Senate Bill No. 87 of this session is hereby amended to read as follows:

Section 1. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery that constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service. The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the state controller on or before the fifth day of each month for the preceding month for credit to the account for programs related to domestic violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the health division of the department of human resources.

6. *If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides protective services. If the court refers a child to an agency which provides protective services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.*

7. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~{7-}~~ 8. As used in this section:

(a) “Agency which provides protective services” has the meaning ascribed to it in NRS 432B.030.

(b) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481. ~~It and~~

~~(b)~~ (c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 71.9. Section 7 of Senate Bill No. 466 of this session is hereby amended to read as follows:

Sec. 7. NRS 281.581 is hereby amended to read as follows:

281.581 1. A candidate or public or judicial officer who fails to file his statement of financial disclosure in a timely manner pursuant to NRS 281.561 is subject to a civil penalty and payment of court costs and attorney's fees. ~~The~~ *Except as otherwise provided in subsection 3, the amount of the civil penalty is:*

(a) If the statement is filed not more than 7 days late, \$25 for each day the statement is late.

(b) If the statement is filed more than 7 days late but not more than 15 days late, \$175 for the first 7 days, plus \$50 for each additional day the statement is late.

(c) If the statement is filed more than 15 days late, \$575 for the first 15 days, plus \$100 for each additional day the statement is late.

2. The commission may, for good cause shown, waive or reduce the civil penalty.

3. *The civil penalty imposed for a violation of this section must not exceed the annual compensation for the office for which the statement was filed.*

4. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the commission in a court of competent jurisdiction and deposited by the commission in the account for credit to the state general fund in the bank designated by the state treasurer.

~~{4-}~~ 5. If the commission waives a civil penalty pursuant to subsection 2, the commission shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public."

Amend sec. 73, page 34, by deleting lines 40 through 43 and inserting:

"2. Sections 1, 2, 5, 6, 7, 11, 12, 13, 49, 51 to 67, inclusive, and 70 to 71.9, inclusive, of this act become effective on July 1, 2001.

3. Section 10 of this act becomes effective at 12:01 a.m. on July 1, 2001.

4. Section 50 of this act becomes effective at 12:02 a.m. on July 1, 2001."

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 489.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly recede from its action on Senate Bill No. 556.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Assemblyman Anderson announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:52 p.m.

ASSEMBLY IN SESSION

At 10:53 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bills Nos. 70, 300 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblywoman Buckley moved that Assembly Bill No. 75 and Senate Bills Nos. 193, 277, 427, 445 and 518 be placed on the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Vice Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 594, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Vice Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1272.

Amend section 1, page 2, line 33, by deleting “shall” and inserting: “shall, within the limits of funding available from gifts, grants, donations, contributions or other money,”.

Amend section 1, page 3, by deleting line 44 and inserting:

“3. If a pilot program is established pursuant to subsection 1, the Administrator shall, not later than 3 months after making his determination to establish the program, develop and”.

Amend sec. 2, page 5, by deleting lines 18 and 19 and inserting:

“2. If a pilot program is established pursuant to subsection 1 of section 1 of this act, the Administrator shall report to the Interim Finance Committee at its first meeting next following January 31, 2002, on the status of, and the funding for, the pilot program, and on the reports”.

Amend sec. 3, page 5, line 21, by deleting “The” and inserting: “If a pilot program is established pursuant to subsection 1 of section 1 of this act, the”.

Amend sec. 3, page 5, line 23, by deleting “concerning” and inserting: “on the progress of”.

Amend the bill as a whole by deleting sections 4 and 5 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

“Sec. 4. The Division of Mental Health and Developmental Services of the Department of Human Resources may apply for and accept any gifts, grants, donations, contributions or other money from any source to be used to enter into a contract for the operation of a pilot program established pursuant to subsection 1 of section 1 of this act.

Sec. 5. This act becomes effective upon passage and approval.”.

Amend the preamble of the bill, page 2, line 25, by deleting “provided” and inserting: “available”.

Amend the title of the bill, fourth line, by deleting: “making an appropriation;”.

Assemblywoman Tiffany moved the adoption of the amendment.

Remarks by Assemblywoman Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 594.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1266.

Amend section 1, page 1, line 1, by deleting “There” and inserting “1. There”.

Amend section 1, page 1, line 2, by deleting “\$8,000,000” and inserting “\$750,000”.

Amend section 1, page 1, line 3, by deleting “construction” and inserting “planning”.

Amend section 1, page 1, between lines 4 and 5, by inserting:

“2. Upon acceptance of the money appropriated by subsection 1, the Culinary and Hospitality Academy of Las Vegas agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Culinary and Hospitality Academy of Las Vegas through December 1, 2002; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1.”.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. There is hereby appropriated from the state general fund to the Department of Cultural Affairs the sum of \$250,000 for distribution to the Las Vegas Performing Arts Center Foundation for the design and planning of a performing arts center in the City of Las Vegas.

2. Upon acceptance of the money appropriated by subsection 1, the Las Vegas Performing Arts Center Foundation agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Las Vegas Performing Arts Center Foundation through December 1, 2002; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1.”.

Amend sec. 2, page 1, line 5, by deleting: “appropriation made by section 1” and inserting: “appropriations made by sections 1 and 2”.

Amend sec. 2, page 1, line 6, by deleting “2005,” and inserting “2003,”.

Amend the title of the bill to read as follows:

“AN ACT making appropriations for the design and planning of a facility for vocational training in Southern Nevada and for the design and planning of a

performing arts center in the City of Las Vegas; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to Culinary and Hospitality Academy of Las Vegas for design and planning of facility for vocational training in Southern Nevada and to Department of Cultural Affairs for distribution to Las Vegas Performing Arts Center Foundation for planning and design of performing arts center in City of Las Vegas. (BDR S-42)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1291.

Amend section 1, page 1, by deleting lines 2 through 4 and inserting: “the Department of Education the sum of \$1,819,375 to:

1. Update the Nevada Report Card software;
2. Develop a new criterion-referenced test for pupils in grade 8; and
3. Develop alternative proficiency examinations.”.

Amend the title of the bill to read as follows:

“AN ACT making an appropriation to the Department of Education to update Nevada Report Card software and to develop certain tests and examinations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Education to update Nevada Report Card software and to develop certain tests and examinations. (BDR S-1425)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 230.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1276.

Amend sec. 2, page 2, between lines 29 and 30 by inserting:

“7. *The administrator may accept gifts and grants to assist in the operation of the stewardship program.*”.

Amend the bill as a whole by deleting sections 3 and 4 and inserting:
“Secs. 3 and 4. (Deleted by amendment.)”.

Amend the title of the bill to read as follows:

“AN ACT relating to cultural resources; requiring the administrator of the office of historic preservation of the department of museums, library and arts to establish a stewardship program for the protection of cultural resources; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 403.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1274.

Amend the bill as a whole by deleting sections 1 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. The State Department of Conservation and Natural Resources, through the Division of Environmental Protection, shall continue to take action to develop standards for water quality for Walker Lake which recognize variable climatic conditions and the terminal lake ecology of Walker Lake, including any special habitats within Walker Lake concerning snow melt runoff and underground sources, and which are attainable and sustainable taking into account existing water rights and beneficial uses of water in the watershed upstream of Walker Lake. The State Environmental Commission shall consider the standards for water quality for Walker Lake developed by the Division of Environmental Protection in accordance with the provisions of NRS 445A.300 to 445A.730, inclusive.”.

Amend the title of the bill to read as follows:

“AN ACT relating to Walker Lake; requiring the State Department of Conservation and Natural Resources, through the Division of Environmental Protection, to continue to take action to develop standards for water quality for Walker Lake; requiring the State Environmental Commission to consider certain standards for water quality for Walker Lake; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires State Department of Conservation and Natural Resources to continue to take action to develop standards for water quality for Walker Lake. (BDR S-802)”.

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:03 p.m.

ASSEMBLY IN SESSION

At 11:20 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McClain, Carpenter and Parks as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 460.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 612.

The following Senate amendment was read:

Amendment No. 1202.

Amend section 1, page 1, line 18, by deleting “*grant*” and inserting “*loan*”.

Amend section 1, page 2, line 2, by deleting “*grant*” and inserting “*loan*”.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Nevada office of rural health is hereby established within the University of Nevada School of Medicine.*

2. *The Nevada office of rural health shall address the need for and recommend programs concerning the delivery of health care services to rural and frontier populations. The office shall administer or coordinate, or both, programs and services which affect the delivery of health care services in rural areas including, without limitation, programs and services in the following categories:*

- (a) Education and training;*
- (b) Needs of special populations;*
- (c) Delivery of health services; and*
- (d) Financing of health care.”.*

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

“Sec. 5. 1. There is hereby appropriated from the state general fund to the Nevada Rural Health Centers, Inc., for its Carlin, Nevada, clinic the sum of \$70,000.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Amend the title of the bill by deleting the third line and inserting: “health programs that require such assistance; establishing the Nevada office of rural health within the University of Nevada School of Medicine; making appropriations; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning rural health. (BDR 31-1421)”.

Assemblyman Arberry moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 612.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 421, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Buckley and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 421.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 518 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 518.

Bill read third time.

Roll call on Senate Bill No. 518:

YEAS—42.

NAYS—None.

Senate Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that the action whereby Assembly Amendment No. 1220 to Senate Bill No. 427 was adopted be rescinded.

Motion carried.

Assemblyman Arberry moved that all rules be suspended and the reprinting of Senate Bill No. 427 be dispensed with, the Chief Clerk be authorized to remove Amendment No. 1220, and the bill be placed on third reading and final passage.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 184, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No 184 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 184.

Bill read third time.

Roll call on Senate Bill No. 184:

YEAS—36.

NAYS—Angle, Berman, Gibbons, Leslie, Pamell, Smith—6.

Senate Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 427.

Bill read third time.

Roll call on Senate Bill No. 427:

YEAS—42.

NAYS—None.

Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 445 be taken from its position on the General File and moved to the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 445.

Bill read third time.

Roll call on Senate Bill No. 445:

YEAS—42.

NAYS—None.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Perkins and Buckley (emergency request of Perkins):

Assembly Bill No. 674—AN ACT relating to elections; revising the districts from which members of the state legislature are elected; revising the districts from which representatives in congress are elected; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 674 declared and emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 674.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Dini, Hettrick, and Buckley.

Roll call on Assembly Bill No. 674:

YEAS—24.

NAYS—Angle, Beers, Berman, Brower, Brown, Carpenter, Cegavske, de Braga, Dini, Gibbons, Gustavson, Hettrick, Humke, Marvel, Nolan, Parnell, Tiffany, Von Tobel—18.

Assembly Bill No. 674 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

Bill read third time.

Roll call on Assembly Bill No. 70:

YEAS—42.

NAYS—None.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 300.

Bill read third time.

Roll call on Assembly Bill No. 300:

YEAS—42.

NAYS—None.

Assembly Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Roll call on Senate Bill No. 193:

YEAS—42.

NAYS—None.

Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 174.

Bill read third time.

Roll call on Senate Bill No. 174:

YEAS—42.

NAYS—None.

Senate Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 94, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA29, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE

MERLE BERMAN

JOHN J. LEE

Assembly Conference Committee

JON C. PORTER

JOSEPH NEAL

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA 29.

Amend section 1, page 2, line 45, by deleting “*created*” and inserting “*established*”.

Amend sec. 14.5, page 14, by deleting line 46 and inserting: “*established in the department of human resources’ gift fund.*”.

Amend sec. 14.5, page 15, line 19, by deleting: “*the state general*” and inserting “*any other*”.

Amend the title of the bill, sixth line, by deleting “state general” and inserting: “department of human resources’ gift”.

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 94.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 179.

The following Senate amendment was read:

Amendment No. 803.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. Section 3 of Assembly Bill No. 101 of this session is hereby amended to read as follows:

Sec. 3. NRS 268.597 is hereby amended to read as follows:

268.597 1. As an alternative to the procedures for annexation set forth in NRS 268.578 to 268.596, inclusive, the governing body of a city may , *subject to the provisions of section 1 of this act*, annex territory:

(a) That meets the requirements of subsection 2 of NRS 268.580 if all of the owners of record of individual lots or parcels of land within the territory sign a petition requesting the governing body to annex the territory to the city;

(b) That, on January 1, 2001, was undeveloped land and was bounded on at least 75 percent of its aggregate external boundaries by the existing corporate boundaries of the annexing city, if the governing body provides or will provide, within a reasonable period, municipal services to the territory that are substantially equivalent to the municipal services provided by the governing body to any area of the city; or

(c) That is undeveloped land and is bounded on at least 75 percent of its aggregate external boundaries by the existing corporate boundaries of the annexing city and for which the governing body has received a written statement from a governmental entity indicating that the governmental entity:

(1) Owns the territory; and

(2) Does not object to the annexation of that territory by the governing body.

2. If:

(a) A petition specified in paragraph (a) of subsection 1 is accepted by the governing body;

(b) The territory proposed for annexation meets the requirements of paragraph (b) of subsection 1; or

(c) The governing body receives a written statement from a governmental entity pursuant to the provisions of paragraph (c) of subsection 1, the governing body may proceed to adopt an ordinance annexing the territory and to take such other action that is appropriate to accomplish the annexation.

3. As used in this section, "municipal services" includes, without limitation:

- (a) Water;
- (b) Sewerage;
- (c) Police protection;
- (d) Fire protection;
- (e) Parks;
- (f) Maintenance of streets; and
- (g) Master planning for:
 - (1) The development and use of land;
 - (2) The provision of water and sewerage by the governing body; or
 - (3) The construction of regional infrastructure, including systems for the control of floods and street and utility projects."

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 803 to Assembly Bill No. 179.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1048.

Amend sec. 2, page 3, line 9, by deleting "may" and inserting: "may, subject to the provisions of section 1 of *Assembly Bill No. 101 of this [act,] session,*".

Amend sec. 2, page 3, line 19, by deleting "*city; or*" and inserting: "*city and the governing body does not, on or before October 1, 2001, enter into a cooperative agreement with the governing body of the governmental entity within whose boundaries the territory is located which provides for the cooperation of the parties to the agreement concerning issues of land use and boundaries of that territory; or*".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend sec. 4, page 5, by deleting line 5 and inserting:

"Sec. 3. 1. This section and section 1 of this act become effective on July 1, 2001.

2. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 2001."

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 1048 to Assembly Bill No. 179.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 564.

The following Senate amendment was read:

Amendment No. 1228.

Amend section 1, page 2, line 2, by deleting “shall” and inserting “may”.

Amend section 1, page 2, by deleting lines 32 through 39 and inserting:

“~~[(e)]~~ (h) Appoint an independent certified public accountant. The accountant shall:

(1) Provide an annual audit of the program; and

(2) Report to the board and the interim retirement and benefits committee of the legislature created pursuant to NRS 218.5373.

~~[(h)]~~ (i) Appoint an attorney who specializes in employee benefits. The attorney shall:

(1) Perform a biennial review of the program to determine whether the program complies with federal and state laws relating to taxes and employee benefits; and

(2) Report to the board and the interim retirement and benefits committee of the legislature created pursuant to NRS 218.5373.”.

Amend section 1, page 3, line 15, by deleting:

“state employee pursuant to this title” and inserting “public employee”.

Amend sec. 2, page 3, line 37, by deleting “*unless provision*” and inserting: “*unless*”:

(a) *Provision*”.

Amend sec. 2, page 3, between lines 40 and 41, by inserting:

“(b) *The rates set forth in the contract are based on the commingled claims experience of active and retired state officers and employees and their dependents.*”.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 564.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 378.

The following Senate amendment was read:

Amendment No. 1237.

Amend section 1, page 1, by deleting lines 1 through 10 and inserting:

“Section 1. 1. There is hereby appropriated from the interest earned on the trust fund for public health created pursuant to NRS 439.605, as determined on July 1, 2001, to the Interim Finance Committee an amount equal to 25 percent of the available interest that has been earned on the trust fund, as determined on July 1, 2001, or the sum of \$250,000, whichever is less. If the Interim Finance Committee approves the policy established by the Board of Regents of the University of Nevada pursuant to subsection 2, the Interim Finance Committee shall distribute the money appropriated by this subsection to the Board of Regents for the financial support of the program to

provide loans to nursing students pursuant to NRS 396.890 to 396.898, inclusive.

2. Notwithstanding the provisions of NRS 396.890 to 396.898, inclusive, to the contrary, the Board of Regents shall establish a policy for administration of the loans pursuant to this section. The policy must include, without limitation:

- (a) The criteria for eligibility for receipt of a loan pursuant to this section;
- (b) The manner by which eligible students may apply for a loan;
- (c) The procedures for monitoring the repayment of a loan; and
- (d) A requirement that all payments of principal and interest on all loans made pursuant to this section must be deposited in the trust fund for public health created pursuant to NRS 439.605.

3. The Board of Regents shall submit the policy established pursuant to subsection 2 to the Interim Finance Committee for approval. If the Interim Finance Committee approves the policy, the Interim Finance Committee shall distribute the money appropriated by subsection 1 to the Board of Regents.

4. If the money appropriated by subsection 1 is distributed to the Board of Regents, the Board of Regents shall use the money to provide loans for fees, books and living expenses pursuant to the:

- (a) Policy approved by the Interim Finance Committee pursuant to subsection 3; and
- (b) Provisions of NRS 396.890 to 396.898, inclusive, to the extent that those provisions do not conflict with the policy approved by the Interim Finance Committee, to students who are enrolled in”.

Amend section 1, page 2, line 3, by deleting “3.” and inserting “5.”.

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 378.

Remarks by Assemblywoman Freeman.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby the Assembly refused to concur in Senate Amendment No. 1234 to Assembly Bill No. 460 be rescinded.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 460.

The following Senate amendment was read:

Amendment No. 1234.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 10 and 11 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

“Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, “committee” means the legislative committee on transportation.*

Sec. 3. 1. *There is hereby created a legislative committee on transportation. The committee consists of:*

(a) *Four members appointed by the majority leader of the senate, at least two of whom must have served on the senate standing committee which had jurisdiction of issues relating to transportation during the immediately preceding session of the legislature.*

(b) *Four members appointed by the speaker of the assembly, at least two of whom must have served on the assembly standing committee which had jurisdiction of issues relating to transportation during the immediately preceding session of the legislature.*

2. *The members of the committee shall elect a chairman and vice chairman from among their members. The chairman must be elected from one house of the legislature and the vice chairman from the other house. After the initial election of a chairman and vice chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall elect a replacement for the remainder of the unexpired term.*

3. *Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.*

4. *Vacancies on the committee must be filled in the same manner as the original appointments.*

Sec. 4. 1. *The members of the committee shall meet at least quarterly and at the times and places specified by a call of the chairman. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. Five members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.*

2. *Except during a regular or special session of the legislature, the members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the committee and while engaged in the business of the committee. The salaries and expenses of the members of the committee and any other expenses*

incurred by the committee in carrying out its duties must be paid from the state general fund from the money received from short-term lessors pursuant to NRS 482.313, except that the maximum amount that may be paid each fiscal year pursuant to this subsection must not exceed \$25,000. All claims pursuant to this subsection must be paid as other claims against the state are paid.

Sec. 5. The committee may:

1. Evaluate, review and comment upon issues related to transportation within this state.

2. Monitor the money deposited in, and any expenditures made from:

(a) The state highway fund; and

(b) The state general fund or any other fund, to the extent that the money deposited in the funds or expenditures made from the funds, or both, are related to transportation.

3. Consult with and make recommendations to the board of directors of the department of transportation on matters concerning transportation within this state.

4. Conduct investigations and hold hearings in connection with carrying out its duties pursuant to this section.

5. Direct the legislative counsel bureau to assist in its research, investigations, hearings and reviews.

6. Recommend to the legislature as a result of the activities of the committee any appropriate state legislation or corrective federal legislation.

Sec. 6. Each witness who appears before the committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this state. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the chairman of the committee.

Sec. 7. 1. If the committee conducts investigations or holds hearings pursuant to subsection 4 of section 5 of this act:

(a) The secretary of the committee or, in his absence, a member designated by the committee may administer oaths.

(b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or outside this state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The chairman of the committee, upon recommendation of a majority of the members of the committee, may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If a witness refuses to attend or testify or produce books or papers as required by the subpoena, the chairman of the committee may report to the district court by a petition which sets forth that:

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

(b) The witness has been subpoenaed by the committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books or papers required by the subpoena before the committee, or has refused to answer questions propounded to him.

The petition may request an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the chairman of the committee, upon recommendation of a majority of the members of the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

Sec. 8. NRS 408.100 is hereby amended to read as follows:

408.100 Recognizing that safe and efficient highway transportation is a matter of important interest to all the people of the state, and that an adequate highway system is a vital part of the national defense, the legislature hereby determines and declares that:

1. An integrated system of state highways and roads is essential to the general welfare of the state.

2. Providing such a system of facilities, its efficient management, maintenance and control is recognized as a problem and as the proper prospective of highway legislation.

3. Inadequate highways and roads obstruct the free flow of traffic, resulting in undue cost of motor vehicle operation, endangering the health and safety of the citizens of the state, depreciating property values, and impeding general economic and social progress of the state.

4. In designating the highways and roads of the state as provided in this chapter, the legislature places a high degree of trust in the hands of those officials whose duty it is, within the limits of available funds, to plan, develop, operate, maintain, control and protect the highways and roads of this state, for present as well as for future use.

5. To this end, it is the express intent of the legislature to make the board ~~[of directors of the department of transportation]~~, *in consultation with the legislative committee on transportation created pursuant to section 3 of this act*, custodian of the state highways and roads and to provide sufficiently broad authority to enable the board to function adequately and efficiently in all areas of appropriate jurisdiction, subject to the limitations of the constitution and the legislative mandate proposed in this chapter.

6. The legislature intends:

(a) To declare, in general terms, the powers and duties of the board , ~~of directors,~~ leaving specific details to be determined by reasonable regulations and declarations of policy which the board may promulgate.

(b) By general grant of authority to the board ~~of directors~~ to delegate sufficient power and authority to enable the board to carry out , *in consultation with the legislative committee on transportation created pursuant to section 3 of this act*, the broad objectives contained in this chapter.

7. The problem of establishing and maintaining adequate highways and roads, eliminating congestion, reducing accident frequency and taking all necessary steps to ensure safe and convenient transportation on these public ways is no less urgent.

8. The legislature hereby finds, determines and declares that this chapter is necessary for the preservation of the public safety, the promotion of the general welfare, the improvement and development of facilities for transportation in the state, and other related purposes necessarily included therein, and as a contribution to the system of national defense.

9. The words "construction," "maintenance" and "administration" used in section 5 of Article 9 of the constitution of the State of Nevada are broad enough to be construed to include and as contemplating the construction, maintenance and administration of the state highways and roads as established by this chapter and the landscaping, roadside improvements and planning surveys of the state highways and roads.

Sec. 9. NRS 408.203 is hereby amended to read as follows:

408.203 The director shall:

1. Compile a comprehensive report outlining the requirements for the construction and maintenance of highways for the next 10 years, including anticipated revenues and expenditures of the department, and submit it to the *legislative committee on transportation created pursuant to section 3 of this act* and to the director of the legislative counsel bureau for transmittal to the chairmen of the senate and assembly standing committees on transportation.

2. Compile a comprehensive report of the requirements for the construction and maintenance of highways for the next 3 years, including anticipated revenues and expenditures of the department, no later than October 1 of each even-numbered year, and submit it to the *legislative committee on transportation created pursuant to section 3 of this act* and to the director of the legislative counsel bureau for transmittal to the chairmen of the senate and assembly standing committees on transportation.

3. Report to the legislature by February 1 of odd-numbered years the progress being made in the department's 12-year plan for the resurfacing of state highways. The report must include an accounting of revenues and expenditures in the preceding 2 fiscal years, a list of the projects which have been completed, including mileage and cost, and an estimate of the adequacy of projected revenues for timely completion of the plan.".

Amend section 1, page 1, line 3, by deleting “shall” and inserting: “[~~shall~~] : (a) *Shall*”.

Amend section 1, page 1, by deleting line 6 and inserting: “governmental entity.

(b) May charge and collect from the short-term lessee a fee of 3.5 percent of the total amount for which the passenger car was leased, excluding any taxes or other fees imposed by a governmental entity, as reimbursement for vehicle licensing fees and taxes paid by the short-term lessor.

The amount of [~~the~~] any fee charged pursuant to this subsection must be indicated in the lease agreement.”.

Amend section 1, pages 1 and 2, by deleting lines 20 and 21 on page 1 and lines 1 through 13 on page 2, and inserting:

“(b) Remit to the department of taxation ~~[-~~

~~(1) One third of]~~ the fees collected by the short-term lessor pursuant to paragraph (a) of subsection 1 during the immediately preceding [~~year pursuant to this section; and~~

~~(2) Of the remainder of those fees, any amount in excess of the total amount of vehicle licensing fees and taxes paid by the short-term lessor during the immediately preceding year pursuant to this chapter.] calendar quarter.”.~~

Amend section 1, page 2, line 14, by deleting “4.” and inserting “3.”.

Amend section 1, page 2, line 17, by deleting “[~~4.~~] 5.” and inserting “4.”.

Amend section 1, page 2, line 19, by deleting “[~~5.~~] 6.” and inserting “5.”.

Amend section 1, page 2, line 21, by deleting “[~~6.~~] 7.” and inserting “6.”.

Amend section 1, page 2, line 25, by deleting “[~~7.~~] 8.” and inserting “7.”.

Amend sec. 2, page 2, line 31, by deleting “1” and inserting “10”.

Amend the bill as a whole by deleting sec. 3 and adding new sections designated sections 12 and 13, following sec. 2, to read as follows:

“Sec. 12. The legislative committee on transportation created pursuant to section 3 of this act shall:

1. Monitor and evaluate the effects of the amendatory provisions of section 10 of this act; and

2. On or before January 31 of each odd-numbered year, submit a report of its evaluation to the director of the legislative counsel bureau for transmittal to the next regular session of the legislature.

Sec. 13. 1. This section and sections 1 to 9, inclusive, of this act become effective on July 1, 2001.

2. Sections 10, 11 and 12 of this act become effective on January 1, 2002.”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; creating the legislative committee on transportation; prescribing the membership, powers and duties of the committee; revising certain provisions concerning the board of directors of the department of transportation; revising provisions governing the remittance of fees by short-term lessors of passenger cars to the department

of taxation; authorizing short-term lessors of passenger cars to charge a fee as reimbursement for payment of vehicle licensing fees and taxes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates legislative committee on transportation and revises provisions governing fees collected by short-term lessors of passenger cars. (BDR 17-589)”.

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 460.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 577.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 577, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA41, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

GREG BROWER

JOHN OCEGUERA

Assembly Conference Committee

MARK A. JAMES

MARK AMODEI

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA41.

Amend section 1, page 1, by deleting lines 5 through 9 and inserting: “*liability of the corporation, unless the stockholder, director or officer acts as the alter ego of the corporation.*”.

Amend section 1, page 2, by deleting line 2 and inserting: “*sanction fraud or promote a manifest injustice.*”.

3. *The question of whether a stockholder, director or officer acts as the alter ego of a corporation must be determined by the court as a matter of law.*”.

Amend sec. 3, page 3, line 33, by deleting “78.300.”.

Amend sec. 3, page 3, line 39, by deleting: “*officer; or*” and inserting: “*officer; and*”.

Amend sec. 8, page 5, by deleting line 36 and inserting:

“Sec. 8. NRS 78.300 is hereby amended to read as follows:

78.300 1. The directors of a corporation shall not make distributions to stockholders except as provided by this chapter.

2. ~~[In] Except as otherwise provided in subsection 3 and NRS 78.138, in case of any [willful or grossly negligent] violation of the provisions of this section, the directors under whose administration the violation occurred [except those who caused their dissent to be entered upon the minutes of the meeting of the directors at the time, or who not then being present caused their dissent to be entered on learning of such action,]~~ are jointly and severally liable, at any time within 3 years after each violation, to the corporation, and, in the event of its dissolution or insolvency, to its creditors at the time of the violation, or any of them, to the lesser of the full amount of the distribution made or of any loss sustained by the corporation by reason of the distribution to stockholders.

3. *The liability imposed pursuant to subsection 2 does not apply to a director who caused his dissent to be entered upon the minutes of the meeting of the directors at the time the action was taken or who was not present at the meeting and caused his dissent to be entered on learning of the action.”.*

Amend sec. 54, page 30, line 35, by deleting “[~~\$75~~] \$150.” and inserting “\$75.”.

Amend sec. 60, page 32, line 35, after “3,” by inserting “8,”.

Amend sec. 63, page 33, line 9, after “3,” by inserting “8,”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 577.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 653, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA38, which is attached to and hereby made a part of this report.

DAVID E. GOLDWATER

BERNIE ANDERSON

DAVID BROWN

Assembly Conference Committee

MIKE MCGINNESS

RANDOLPH J. TOWNSEND

JOSEPH NEAL

Senate Conference Committee

Conference Amendment No. CA38.

Amend section 1, page 1, by deleting lines 10 through 12 and inserting: “to NRS 360.670 an amount from the account that is”.

Amend section 1, pages 1 and 2, by deleting lines 19 and 20 on page 1 and lines 1 through 5 on page 2.

Amend the bill as a whole by deleting sections 2 and 2.5 and adding new sections designated sections 2 through 2.7, following section 1, to read as follows:

“Sec. 2. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the sum of:

(I) *Twenty-five percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the sum of the ~~per-~~*

~~(I) Percentage~~ *average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6 ~~per-~~ and*

~~(II) Average~~ *, and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and*

(II) *Seventy-five percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the sum of the average percentage of change in the population of the local government for the fiscal year immediately*

preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6, and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the sum of:

(I) *Twenty-five percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and*

(II) *Seventy-five percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and*

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation

determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) If the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.

Sec. 2.3. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of*:

(I) *Fifty percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the sum of the ~~+~~*

~~(I) Percentage~~ *average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6 ~~+~~ and*

~~(II) Average~~ *, and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed*

valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(II) Fifty percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the sum of the average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6, and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of:*

(I) Fifty percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(II) Fifty percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments

and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) If the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.

Sec. 2.5. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of*:

(I) *Seventy-five percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the sum of the ~~the~~*

~~(I) *Percentage*~~, *average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6 ~~the~~ and*

~~(II) *Average*~~, *and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and*

(II) Twenty-five percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the sum of the average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6, and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of*:

(I) Seventy-five percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(II) Twenty-five percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation

attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) If the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by

the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.

Sec. 2.7. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year

immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by ~~[one plus]~~ the sum of the:

(I) ~~[Percentage]~~ *Average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285 except as otherwise provided in subsection 6; and*

(II) *Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and*

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by ~~[one plus]~~ the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) If the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.”.

Amend the bill as a whole by deleting sections 3 and 4 and adding:

“Secs. 3 and 4. (Deleted by amendment.)”.

Amend sec. 4.5, page 10, line 33, by deleting “2003.” and inserting “2005.”.

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

“Sec. 5.5. For the fiscal year beginning on July 1, 2001, the executive director of the department of taxation shall increase the amount that would otherwise be allocated to the City of Henderson pursuant to NRS 360.680 by \$4,000,000 and that amount must be included in the calculation of all future allocations.”.

Amend the bill as a whole by deleting sec. 6 and inserting:

“Sec. 6. (Deleted by amendment.)”.

Amend sec. 7, page 11, line 2, by deleting “6” and inserting “5.5”.

Amend sec. 8, page 11, line 8, after “sections” by inserting “5.5.”.

Amend sec. 8, page 11, by deleting line 12 and inserting:

“3. Section 2 of this act expires by limitation on June 30, 2002.

4. Section 2.3 of this act becomes effective on July 1, 2002, and expires by limitation on June 30, 2003.

5. Section 2.5 of this act becomes effective on July 1, 2003, and expires by limitation on June 30, 2004.

6. Section 2.7 of this act becomes effective on July 1, 2004.”.

Assemblywoman Buckley moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 653.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 133, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA31, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

JOHN C. CARPENTER

MARK A. MANENDO

Assembly Conference Committee

RANDOLPH J. TOWNSEND

MICHAEL SCHNEIDER

Senate Conference Committee

Conference Amendment No. CA31.

Amend section 1, page 1, line 2, by deleting “11,” and inserting “6.”

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Complainant” means a person who makes a claim or files an action against a design professional pursuant to NRS 40.600 to 40.695, inclusive, and sections 2 to 6, inclusive, of this act.”.*

Amend the bill as a whole by deleting sections 3 through 9 and renumbering sections 10 through 12 as sections 5 through 7.

Amend sec. 10, page 5, by deleting lines 40 through 46 and inserting: “*action governed by NRS 40.600 to 40.695, inclusive, and sections 2 to 6, inclusive, of this act that is commenced against a design professional or a person primarily engaged in the practice of professional engineering, land surveying, architecture or landscape architecture, including, without limitation, an action for professional negligence, the attorney for the complainant shall file an affidavit with the court concurrently with the service of the first pleading in the action stating that the attorney:*”.

Amend sec. 11, page 7, by deleting lines 1 through 14 and inserting:

“Sec. 6. 1. *The court shall dismiss an action governed by NRS 40.600 to 40.695, inclusive, and sections 2 to 6, inclusive, of this act that is commenced against a design professional or a person primarily engaged in the practice of professional engineering, land surveying, architecture or landscape architecture, including, without limitation, an action for professional negligence, if the attorney for the complainant fails to:*

(a) *File an affidavit required pursuant to section 5 of this act;*

(b) *File a report required pursuant to subsection 3 of section 5 of this act;*

or

(c) *Name the expert consulted in the affidavit required pursuant to subsection 1 of section 5 of this act.*

2. *The fact that an attorney for a complainant has complied or failed to comply with the provisions of section 5 of this act is admissible in the action.”.*

Amend sec. 12, page 7, line 17, by deleting “11” and inserting “6.”.

Amend sec. 12, page 7, by deleting lines 18 and 19 and inserting: “and terms defined in NRS 40.605 to 40.630, inclusive, have the meanings ascribed to them in those”.

Amend the bill as a whole by deleting sections 13 through 33 and renumbering sec. 34 as sec. 8.

Amend sec. 34, by deleting lines 34 through 36 and inserting: “inclusive, and sections 2 to 6, inclusive, of this act, unless the claim was initiated or the action was commenced on or after October 1, 2001.”.

Amend the bill as a whole by deleting sec. 35.

Amend the title of the bill to read as follows:

“AN ACT relating to real property; requiring an affidavit in support of an action concerning constructional defects against a design professional; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires affidavit in support of action concerning constructional defects against design professional. (BDR 3-667)”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 133.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 305, consisting of the undersigned members, has met and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

MARK A. MANENDO
DENNIS NOLAN
KATHY MCCLAIN

Assembly Conference Committee

MIKE MCGINNESS
JON C. PORTER
VALERIE WIENER

Senate Conference Committee

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 305.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:54 p.m.

ASSEMBLY IN SESSION

At 11:56 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 122, 232, 343, 405, 424, 615, 669; Assembly Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 671, 672, 673.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 587, 588.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1186 to Senate Bill No. 56; Assembly Amendment No. 1115 to Senate Bill No. 570.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 587.

Assemblyman Hettrick moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 587 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Hettrick.

Motion carried unanimously.

Senate Bill No. 588.

Assemblyman Hettrick moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 588 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Hettrick.

Motion carried unanimously.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Collins, Lee and Carpenter as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 246.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 394, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA40, which is attached to and hereby made a part of this report.

MARK A. MANENDO

JOHN C. CARPENTER

BERNIE ANDERSON

Assembly Conference Committee

MARK A. JAMES

MARK AMODEI

VALERIE WIENER

Senate Conference Committee

Conference Amendment No. CA40.

Amend sec. 2, page 4, between lines 43 and 44, by inserting: “*My attorney (if represented by counsel) has explained that there may be immigration consequences regarding this plea agreement and that, if I am not a citizen of the United States, I may, in addition to other consequences provided for by federal law, be removed, deported, excluded from entry into the United States or denied naturalization.*”.

Assemblywoman Buckley moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 394.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 246, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

TOM COLLINS

JOHN J. LEE

JOHN C. CARPENTER

Assembly Conference Committee

MARK AMODEI

MAURICE E. WASHINGTON

TERRY CARE

Senate Conference Committee

Assemblywoman Buckley moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 246.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

GENERAL FILE AND THIRD READING

Senate Bill No. 587.

Bill read third time.

Roll call on Senate Bill No. 587:

YEAS—40.

NAYS—None.

ABSENT—Anderson, Goldwater—2.

Senate Bill No. 587 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

(12:00 midnight Pacific Daylight Savings Time. See Nevada Supreme Court case *Nevada Mining Association v. Erdoes*, 117 Nevada Advance Opinion No. 47 (2001).)

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby the Assembly concurred in Senate Amendment No. 1234 to Assembly Bill No. 460 be rescinded.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 460, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA43, which is attached to and hereby made a part of this report.

KATHY MCCLAIN
JOHN C. CARPENTER
DAVID R. PARKS

Assembly Conference Committee

LAWRENCE E. JACOBSEN
RAYMOND C. SHAFFER

Senate Conference Committee

Conference Amendment No. CA43.

Amend the bill as a whole by deleting sections 1 through 9 and inserting: “Sections 1-9. (Deleted by amendment.)”.

Amend sec. 10, page 5, line 22, by deleting “fee” and inserting: “*governmental services fee*”.

Amend sec. 10, page 5, line 25, by deleting “fee” and inserting: “recovery surcharge not to exceed”.

Amend sec. 10, page 5, line 32, by deleting “fee” and inserting: “*governmental services fee*”.

Amend sec. 10, page 5, line 39, by deleting “Fees” and inserting: “[~~Fees~~ *governmental services fees*]”.

Amend sec. 10, page 5, line 45, by deleting “fees” and inserting: “*governmental services fees*”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 460.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

GENERAL FILE AND THIRD READING

Senate Bill No. 588.

Bill read third time.

Roll call on Senate Bill No. 588:

YEAS—41.

NAYS—None.

ABSENT—Anderson.

Senate Bill No. 588 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:06 a.m.

ASSEMBLY IN SESSION

At 12:21 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 661, Amendments Nos. 1231, 1235, 1159 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 3, 21, 42.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 575.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1261 to Senate Bill No. 445.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and the reprinting of Assembly Bills Nos. 230, 346, 403, 594 and Senate Bill No. 459 be dispensed with.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 661.

The following Senate amendment was read:

Amendment No. 1235.

Amend the bill as a whole by adding new sections designated sections 26.05 to 26.95, following sec. 26, to read as follows:

“Sec. 26.05 Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 26.1 to 26.95, inclusive, of this act.

Sec. 26.1. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 26.15 to 26.6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 26.15. *“Calendar quarter” means each period of 3 consecutive calendar months ending on March 31, June 30, September 30 and December 31 in each calendar year.*

Sec. 26.2. *“Commission” means the public utilities commission of Nevada.*

Sec. 26.25. *“Fund” means the fund for energy assistance and conservation created by section 26.8 of this act.*

Sec. 26.3. *“Housing division” means the housing division of the department of business and industry.*

Sec. 26.35. *“Municipal utility” includes, without limitation:*

1. *A utility established pursuant to chapter 709 or 710 of NRS.*
2. *Any other utility that is owned, operated or controlled by a county, city or other local governmental entity.*

Sec. 26.4. *“Person” means:*

1. *A natural person;*
2. *Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;*
3. *A government or an agency or instrumentality of a government, including, without limitation, this state or an agency or instrumentality of this state; and*
4. *A political subdivision of this state or of any other government or an agency or instrumentality of a political subdivision of this state or of any other government.*

Sec. 26.45. *“Public utility” has the meaning ascribed to it in NRS 704.020 and 704.030.*

Sec. 26.5. 1. *“Retail customer” means an end-use customer that purchases natural gas or electricity for consumption in this state.*

2. *The term includes, without limitation:*

(a) *A residential, commercial or industrial end-use customer that purchases natural gas or electricity for consumption in this state, including, without limitation, an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of sections 3 to 26, inclusive, of this act.*

(b) *A landlord of a mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.*

(c) *A landlord who pays for natural gas or electricity that is delivered through a master meter and who distributes or resells the natural gas or electricity to one or more tenants for consumption in this state.*

3. *The term does not include this state, a political subdivision of this state or an agency or instrumentality of this state or political subdivision of this state when it is an end-use customer that purchases natural gas or electricity for consumption in this state, including, without limitation, when it is an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of sections 3 to 26, inclusive, of this act.*

Sec. 26.55. *“Universal energy charge” means the charge imposed pursuant to section 26.7 of this act.*

Sec. 26.6. *“Welfare division” means the welfare division of the department of human resources.*

Sec. 26.65. 1. *The provisions of section 26.7 of this act do not apply to any therm of natural gas or any kilowatt-hour of electricity that a retail customer purchases from:*

(a) A rural electric cooperative established pursuant to chapter 81 of NRS.

(b) A general improvement district established pursuant to chapter 318 of NRS.

(c) A cooperative association, nonprofit corporation, nonprofit association or provider of service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

2. *If a retail customer is exempted from paying the universal energy charge pursuant to subsection 1, the retail customer may not receive money or other assistance from:*

(a) The welfare division pursuant to section 26.85 of this act for any utility service for which the retail customer is exempted from paying the universal energy charge; or

(b) The housing division pursuant to section 26.9 of this act.

Sec. 26.7. 1. *Except as otherwise provided in this section and section 26.65 of this act, each retail customer shall pay:*

(a) A universal energy charge of 3.30 mills on each therm of natural gas that the retail customer purchases from another person for consumption in this state; and

(b) A universal energy charge of 0.39 mills on each kilowatt-hour of electricity that the retail customer purchases from another person for consumption in this state.

2. *The provisions of subsection 1 do not apply to:*

(a) Any therm of natural gas used as a source of energy to generate electricity.

(b) Any kilowatt-hour of electricity used in industries utilizing electrolytic-manufacturing processes.

3. *If a retail customer uses the distribution services of a public utility or municipal utility to acquire natural gas or electricity that is subject to the universal energy charge, the public utility or municipal utility providing the distribution services shall:*

(a) Collect the universal energy charge from each such retail customer;

(b) Ensure that the universal energy charge is set forth as a separate item or entry on the bill of each such retail customer; and

(c) Not later than 30 days after the end of each calendar quarter, remit to the commission the total amount of money collected by the public utility or municipal utility for the universal energy charge for the immediately preceding calendar quarter.

4. *If a retail customer does not use the distribution services of a public utility or municipal utility to acquire natural gas or electricity that is subject to the universal energy charge, not later than 30 days after the end of each calendar quarter, the retail customer shall remit to the commission the total*

amount of money owed by the retail customer for the universal energy charge for the immediately preceding calendar quarter.

5. If, during a calendar quarter, a single retail customer or multiple retail customers under common ownership and control pay, in the aggregate, a universal energy charge of more than \$25,000 for all consumption of natural gas and electricity during the calendar quarter, such retail customers are entitled to a refund, for that calendar quarter, of the amount of the universal energy charge that exceeds \$25,000. To receive a refund pursuant to this section, not later than 90 days after the end of the calendar quarter for which the refund is requested, such retail customers must file with the commission a request for a refund. If a request for a refund is filed with the commission:

(a) The commission shall determine and certify the amount of the refund; and

(b) The refund must be paid as other claims against the state are paid from money in the fund.

Sec. 26.75. 1. The commission shall adopt regulations to carry out and enforce the provisions of section 26.7 of this act. Such regulations may require public utilities, municipal utilities and retail customers that are required to collect or remit money for the universal energy charge to file reports and to provide the commission with information relating to compliance with the requirements of the universal energy charge.

2. In carrying out the provisions of section 26.7 of this act, the commission shall solicit advice from the consumer's advocate of the bureau of consumer protection in the office of the attorney general, public utilities and municipal utilities and other knowledgeable persons.

3. The commission may conduct audits and investigations of public utilities, municipal utilities and retail customers that are required to collect or remit money for the universal energy charge, if the commission determines that such audits and investigations are necessary to verify compliance with the requirements of the universal energy charge. In conducting such audits and investigations, the commission may exercise any of the investigative powers granted to the commission pursuant to chapter 703 of NRS, including, without limitation, the power to issue orders to compel the appearance of witnesses and the production of books, accounts, papers and records.

4. To carry out its powers and duties pursuant to this chapter, the commission is entitled to an administrative charge of not more than 3 percent of the money collected for the universal energy charge. After deduction of its administrative charge, the commission shall deposit the remaining money collected for the universal energy charge in the state treasury for credit to the fund.

5. The commission may bring an appropriate action in its own name for recovery of any money that a person fails to pay, collect or remit in violation of the requirements of the universal energy charge.

Sec. 26.8. 1. *There is hereby created as a special revenue fund in the state treasury the fund for energy assistance and conservation. The welfare division shall administer the fund.*

2. *In addition to the money that must be credited to the fund from the universal energy charge, all money received from private or public sources to carry out the purposes of this chapter must be deposited in the state treasury for credit to the fund.*

3. *The welfare division shall, to the extent practicable, ensure that the money in the fund is administered in a manner which is coordinated with all other sources of money that are available for energy assistance and conservation, including, without limitation, money contributed from private sources, money obtained from the Federal Government and money obtained from any agency or instrumentality of this state or political subdivision of this state.*

4. *The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.*

5. *After deduction of any refunds paid from the fund pursuant to section 26.7 of this act, the money in the fund must be distributed pursuant to sections 26.85 and 26.9 of this act.*

Sec. 26.85. 1. *Seventy-five percent of the money in the fund must be distributed to the welfare division for programs to assist eligible households in paying for natural gas and electricity. The welfare division may use not more than 3 percent of the money distributed to it pursuant to this section for its administrative expenses.*

2. *Except as otherwise provided in section 26.65 of this act, after deduction for its administrative expenses, the welfare division may use the money distributed to it pursuant to this section only to:*

- (a) Assist eligible households in paying for natural gas and electricity.*
- (b) Carry out activities related to consumer outreach.*
- (c) Pay for program design.*
- (d) Pay for the annual evaluations conducted pursuant to section 26.95 of this act.*

3. *Except as otherwise provided in subsection 4, to be eligible to receive assistance from the welfare division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the welfare division.*

4. *The welfare division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.*

5. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the welfare division shall determine the amount of assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

6. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the welfare division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide.

(b) May adjust the amount of assistance that the household will receive based upon such factors as:

(1) The income of the household;

(2) The size of the household;

(3) The type of energy that the household uses; and

(4) Any other factor which, in the determination of the welfare division, may make the household particularly vulnerable to increases in the cost of natural gas or electricity.

7. The welfare division shall adopt regulations to carry out and enforce the provisions of this section and section 26.8 of this act.

8. In carrying out the provisions of this section, the welfare division shall:

(a) Solicit advice from the housing division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the housing division as required by section 26.95 of this act.

Sec. 26.9. 1. Twenty-five percent of the money in the fund must be distributed to the housing division for programs of energy conservation, weatherization and energy efficiency for eligible households. The housing division may use not more than 6 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in section 26.65 of this act, after deduction for its administrative expenses, the housing division may use the money distributed to it pursuant to this section only to:

(a) Provide an eligible household with services of basic home energy conservation and home energy efficiency or to assist an eligible household to acquire such services, including, without limitation, services of load management.

(b) Pay for appropriate improvements associated with energy conservation, weatherization and energy efficiency.

(c) Carry out activities related to consumer outreach.

(d) Pay for program design.

(e) Pay for the annual evaluations conducted pursuant to section 26.95 of this act.

3. *Except as otherwise provided in subsection 4, to be eligible to receive assistance from the housing division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the housing division.*

4. *The housing division is authorized to render emergency assistance to a household if the health or safety of one or more of the members of the household is threatened because of the structural, mechanical or other failure of:*

(a) The unit of housing in which the household dwells; or

(b) A component or system of the unit of housing in which the household dwells.

Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.

5. *The housing division shall adopt regulations to carry out and enforce the provisions of this section.*

6. *In carrying out the provisions of this section, the housing division shall:*

(a) Solicit advice from the welfare division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Encourage other persons to provide resources and services, including, to the extent practicable, schools and programs that provide training in the building trades and apprenticeship programs;

(e) Establish a process for evaluating the programs conducted pursuant to this section;

(f) Develop a process for making changes to such programs; and

(g) Engage in annual planning and evaluation processes with the welfare division as required by section 26.95 of this act.

Sec. 26.95. 1. *The welfare division and the housing division jointly shall establish an annual plan to coordinate their activities and programs pursuant to this chapter. In preparing the annual plan, the divisions shall solicit advice from knowledgeable persons. The annual plan must include, without limitation, a description of:*

(a) The resources and services being used by each program and the efforts that will be undertaken to increase or improve those resources and services;

(b) The efforts that will be undertaken to improve administrative efficiency;

(c) The efforts that will be undertaken to coordinate with other federal, state and local agencies, nonprofit organizations and any private business or trade organizations that provide energy assistance or conservation services to low-income persons;

(d) The measures concerning program design that will be undertaken to improve program effectiveness; and

(e) The efforts that will be taken to address issues identified during the most recently completed annual evaluation conducted pursuant to subsection 2.

2. *The welfare division and the housing division jointly shall:*

(a) Conduct an annual evaluation of the programs that each division carries out pursuant to sections 26.85 and 26.9 of this act;

(b) Solicit advice from the commission as part of the annual evaluation; and

(c) Prepare a report concerning the annual evaluation and submit the report to the governor, the legislative commission and the interim finance committee.

3. *The report prepared pursuant to subsection 2 must include, without limitation:*

(a) A description of the objectives of each program;

(b) An analysis of the effectiveness and efficiency of each program in meeting the objectives of the program;

(c) The amount of money distributed from the fund for each program and a detailed description of the use of that money for each program;

(d) An analysis of the coordination between the divisions concerning each program; and

(e) Any changes planned for each program.”.

Amend sec. 30, page 12, line 4, after “inclusive,” by inserting: “and sections 26.7 and 26.75”.

Amend the bill as a whole by adding a new section designated sec. 30.5, following sec. 30, to read as follows:

“Sec. 30.5. NRS 703.147 is hereby amended to read as follows:

703.147 1. The public utilities commission regulatory fund is hereby created as a special revenue fund. Except as otherwise provided in section 12 of Senate Bill No. 372 of this ~~act,~~ session and section 26.75 of this act, all

money collected by the commission pursuant to law must be deposited in the state treasury for credit to the fund. Money collected for the use of the consumer's advocate of the bureau of consumer protection in the office of the attorney general must be transferred pursuant to the provisions of subsection 8 of NRS 704.035.

2. Money in the fund which belongs to the commission may be used only to defray the costs of:

(a) Maintaining staff and equipment to regulate adequately public utilities and other persons subject to the jurisdiction of the commission.

(b) Participating in all rate cases involving those persons.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that regulation and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the commission.

3. All claims against the fund must be paid as other claims against the state are paid.

4. The commission must furnish upon request a statement showing the balance remaining in the fund as of the close of the preceding fiscal year.”

Amend sec. 31, page 12, line 24, after “*inclusive*,” by inserting: “*and sections 26.7 and 26.75*”.

Amend sec. 31, page 12, line 28, after “*inclusive*,” by inserting: “*and sections 26.7 and 26.75*”.

Amend the bill as a whole by adding a new section designated sec. 32.5, following sec. 32, to read as follows:

“Sec. 32.5. NRS 703.197 is hereby amended to read as follows:

703.197 1. The commission may collect fees for the filing of any official document required by this chapter and chapters 704, 704A, 705 and 708 of NRS *and sections 3 to 26, inclusive, of this act* or by a regulation of the commission.

2. Filing fees may not exceed:

(a) For applications, \$200.

(b) For petitions seeking affirmative relief, \$200.

(c) For each tariff page which requires public notice and is not attached to an application, \$10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents which require public notice, \$10.

3. If an application or other document is rejected by the commission because it is inadequate or inappropriate, the filing fee must be returned.

4. The commission may not charge any fee for filing ~~fees~~:

(a) A complaint.

(b) A request for a refund pursuant to section 26.7 of this act.”

Amend the bill as a whole by adding a new section designated sec. 40.5, following sec. 40, to read as follows:

“Sec. 40.5. 1. For the purposes of protecting the health of residential customers who receive gas, water or electricity from public utilities, the commission shall adopt or amend regulations that:

(a) Establish the criteria that will be used to determine when a public utility is required to postpone its termination of utility service to the residence of a residential customer who has failed to pay for such service. Such criteria may be based in part upon the residential customer’s ability to pay.

(b) Require a public utility to postpone its termination of utility service to the residence of a residential customer who has failed to pay for such service if the residential customer satisfies the criteria established by the commission and termination of the utility service is reasonably likely to threaten the health of an occupant of the residence of the residential customer.

2. In addition to the regulations adopted pursuant to subsection 1, for the purposes of regulating public utilities that provide gas, water or electricity to landlords who pay for the utility service and who distribute or resell the gas, water or electricity to one or more residential tenants, the commission shall adopt or amend regulations to require a public utility to use its best efforts to post, in a conspicuous location, notice of the intent of the public utility to terminate utility service because the landlord has failed to pay for such service. Such notice must provide sufficient information to allow residential tenants or their occupants to contact the public utility if termination of the utility service is reasonably likely to threaten the health of an occupant of the residence of a residential tenant.

3. A public utility shall not terminate utility service for gas, water or electricity without complying with the regulations adopted by the commission pursuant to this section.

4. As used in this section:

(a) “Gas” includes, without limitation, liquefied petroleum gas and natural gas.

(b) “Landlord” means a landlord who is subject, in whole or in part, to the provisions of chapter 118A or 118B of NRS.”.

Amend sec. 52, page 19, by deleting lines 28 through 30 and inserting:

“~~2. Copies~~ unless the public utility:

(a) Files with the commission an application to make the proposed changes and the commission approves the proposed changes pursuant to NRS 704.110; or

(b) Files the proposed changes with the commission using a letter of advice in accordance with the provisions of subsection 4.”.

Amend sec. 52, pages 19 and 20, by deleting lines 47 through 49 on page 19 and lines 1 and 2 on page 20 and inserting:

“~~practice affecting any rate, fare or charge.~~ does not change any rate or will result in an increase in annual gross operating revenue , as certified by the ~~applicant of \$2,500 or less.~~ public utility, in an amount that does not exceed \$2,500:

(a) The public utility may file the proposed change with the commission using a letter of advice in lieu of filing an application; and

(b) The commission shall determine whether it should dispense with a hearing regarding the proposed change.”.

Amend sec. 54, page 24, line 9, by deleting “A” and inserting: “*Except as otherwise provided in this paragraph, a*”.

Amend sec. 54, page 24, line 15, after “*utility.*” by inserting: “*Such a proposed transaction is not exempted from the provisions of this section if:*

(1) Not later than 30 days after the date on which the person undertaking the proposed transaction submits the notification required by 15 U.S.C. § 18a, the regulatory operations staff of the commission or the consumer’s advocate requests an order from the commission requiring the person to file an application for authorization of the proposed transaction;

(2) The request alleges in sufficient detail that the proposed transaction may materially affect retail customers of public utilities in this state; and

(3) The commission issues an order requiring the person to file an application for authorization of the proposed transaction.”.

Amend sec. 55, page 25, between lines 24 and 25 by inserting:

“6. An electing carrier must provide 30-days’ notice to the commission in writing before the electing carrier may implement any amendment or change to an existing service noticed pursuant to subsection 2.”.

Amend the title of the bill by deleting the third line and inserting: “resources; establishing the universal energy charge to fund low-income energy assistance and conservation; requiring certain retail customers to pay the universal energy charge; requiring certain public utilities and municipal utilities to perform certain functions related to the universal energy charge; creating the fund for energy assistance and conservation and setting forth the criteria to determine the eligibility of a household to receive assistance from money in the fund; authorizing certain agencies to render emergency assistance to households in certain circumstances; revising and repealing various provisions concerning the regulation of”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 1235 to Assembly Bill No. 661.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1231.

Amend sec. 21, page 7, by deleting lines 30 through 34 and inserting: “*counties, the aggregate amount of energy that all such eligible customers*”.

Amend sec. 21, page 8, by deleting lines 18 through 22 and inserting:

“4. Notwithstanding any specific statute to the contrary, information concerning the price of the energy, capacity and ancillary services and any other terms or conditions of the contract that the commission determines are commercially sensitive:

(a) *Must not be disclosed by the commission except to the regulatory operations staff of the commission, the consumer's advocate and his staff and the electric utility for the purposes of carrying out the provisions of this section; and*

(b) *Shall be deemed to be confidential for all other purposes, and the commission shall take such actions as are necessary to protect the confidentiality of such information."*

Amend sec. 21, page 8, line 23, by deleting "4." and inserting "5."

Amend sec. 21, page 8, between lines 39 and 40 by inserting:

"6. *The provisions of this section do not exempt the electric utility, in whole or in part, from the requirements imposed on the electric utility pursuant to sections 3 to 12, inclusive, of Senate Bill No. 372 of this session to comply with its portfolio standard for renewable energy. The commission shall not take any actions pursuant to this section that conflict with or diminish those requirements.*

7. *As used in this section, "consumer's advocate" means the consumer's advocate of the bureau of consumer protection in the office of the attorney general."*

Amend sec. 23, page 9, by deleting lines 17 through 19 and inserting:

"not have a time-of-use meter at that point of delivery. If the eligible customer is:

(a) *A nongovernmental commercial or industrial end-use customer, the eligible customer or the provider shall pay all costs for the time-of-use meter and for installation of the time-of-use meter by the electric utility.*

(b) *A governmental entity, the provider shall pay all costs for the time-of-use meter and for installation of the time-of-use meter by the electric utility."*

Amend the bill as a whole by deleting sections 27 through 36 and the text of repealed sections and adding new sections designated sections 27 through 113 and the text of repealed sections, following sec. 26, to read as follows:

"Sec. 27. Chapter 703 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In any contested case pending before the commission, the regulatory operations staff of the commission may, without filing a petition for leave to intervene:*

(a) *Appear and participate in the contested case as an independent party; and*

(b) *Be represented by legal counsel in the contested case.*

2. *A commissioner may not discuss with a member of the regulatory operations staff of the commission any substantive issues of fact or law concerning a contested case pending before the commission except upon notice to all parties to the contested case and an opportunity for all such parties to participate.*

3. *As used in this section, "contested case" has the meaning ascribed to it in NRS 233B.032.*

Sec. 28. NRS 703.030 is hereby amended to read as follows:

703.030 1. The commission consists of ~~{three}~~ five commissioners appointed by the governor . ~~{for terms of}~~ After the initial terms, the term of each commissioner is 4 years.

2. The governor shall appoint ~~{as members of the commission persons}~~ :

(a) One commissioner to represent the general public.

(b) Four commissioners who have at least 2 years of experience in one or more of the following fields:

~~{(a)}~~ (1) Accounting.

~~{(b)}~~ (2) Business administration.

~~{(c)}~~ (3) Finance or economics.

~~{(d)}~~ (4) Administrative law.

~~{(e)}~~ (5) Professional engineering.

Not more than two of the commissioners appointed pursuant to this paragraph may be from the same field of experience.

3. Not more than ~~{two}~~ three of the commissioners may be ~~{~~

~~{(a) Members}~~ members of the same political party.

~~{(b) From the same field of experience.}~~

4. A vacancy on the commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

Sec. 29. NRS 703.110 is hereby amended to read as follows:

703.110 1. ~~{The}~~ Except as otherwise provided in subsection 2, a majority of the commissioners ~~{have}~~ has full power to act in all matters within ~~{their jurisdiction.}~~ the jurisdiction of the commission and shall exercise all the powers of the commission.

2. If ~~{two}~~ a majority of the commissioners are disqualified or if there are ~~{two}~~ vacancies within the ~~{commission,}~~ offices of a majority of the commissioners, the remaining commissioners or, if only one commissioner is remaining, the remaining commissioner ~~{or}~~ has full power to act in all matters within the jurisdiction of the commission and shall exercise all the powers of the commission.

3. Except as otherwise provided in this chapter, all hearings and meetings conducted by the commission must be open to the public.

Sec. 30. NRS 703.130 is hereby amended to read as follows:

703.130 1. The commission shall appoint a deputy commissioner who shall serve in the unclassified service of the state.

2. The commission shall appoint a secretary who shall perform such administrative and other duties as are prescribed by the commission. The commission shall also appoint an assistant secretary.

3. The commission may employ such other clerks, experts or engineers as may be necessary.

4. Except as otherwise provided in subsection 5, the commission:

(a) May appoint one or more hearing officers for a period specified by the commission to conduct proceedings or hearings that may be conducted by the commission pursuant to chapters 704, 704A, 705, 708 and 711 of NRS ~~{~~ and sections 3 to 26, inclusive, of this act.

(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the commission.

5. The commission shall not appoint a hearing officer to conduct proceedings or hearings :

(a) *In any matter pending before the commission pursuant to sections 8 to 18, inclusive, of ~~this act~~ Assembly Bill No. 369 of this session; or*

(b) *In any matter pending before the commission pursuant to NRS 704.070 to 704.110, inclusive, and sections 41 to 46, inclusive, of this act in which an electric utility has filed a general rate application or an application to clear its deferred accounts.*

6. *As used in this section, "electric utility" has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of this session.*

Sec. 31. NRS 703.164 is hereby amended to read as follows:

703.164 1. The commission may employ, or retain on a contract basis, legal counsel who shall:

(a) Except as otherwise provided in subsection 2, be counsel and attorney for the commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the ~~[public utilities commission of Nevada]~~ *commission* all civil actions for the enforcement of chapters 704, 704A, 705 and 708 of NRS *and sections 3 to 26, inclusive, of this act* and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the commission in the performance of its duties and the enforcement of chapters 704, 704A, 705 and 708 of NRS ~~[]~~ *and sections 3 to 26, inclusive, of this act.*

2. Each district attorney shall:

(a) Prosecute any violation of chapter 704, 704A, 705, 708 or 711 of NRS for which a criminal penalty is provided and which occurs in his county.

(b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapter 704, 704A, 705, 708 or 711 of NRS and, at the request of the commission or its legal counsel, act as counsel and attorney for the commission.

3. The attorney general shall, if the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities under the jurisdiction of the commission and their officers, agents and employees.

4. The attorney general is not precluded from appearing in or moving to intervene in any action and representing the interest of the State of Nevada in any action in which the commission is a party and is represented by independent counsel.

Sec. 32. NRS 703.196 is hereby amended to read as follows:

703.196 1. Any books, accounts, records, minutes, papers and property of any public utility that are subject to examination pursuant to NRS 703.190 or 703.195 and are made available to the commission, any officer or employee of the commission, the bureau of consumer protection in the office of the attorney general or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited,

must not be disclosed to the public unless the commission first determines that the disclosure is justified.

2. The commission shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

- (a) Granting such protective orders as it deems necessary; and
- (b) Holding closed hearings to receive or examine such information.

3. If the commission closes a hearing to receive or examine such information, it shall:

(a) Restrict access to the records and transcripts of such hearings without the prior approval of the commission or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and

(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the commission.

4. A representative of the *regulatory operations* staff of the commission and the bureau of consumer protection:

(a) May attend any closed hearing held pursuant to this section; and

(b) Have access to any records or other information determined to be confidential pursuant to this section.

5. The commission shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the commission determines the information may be disclosed, the information must become a part of the records available to the public. Information which the commission determines may not be disclosed must be kept under seal.

Sec. 33. NRS 703.320 is hereby amended to read as follows:

703.320 1. In any matter pending before the commission, if a hearing is required by a specific statute or is otherwise required by the commission, the commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The commission shall by regulation specify:

- (a) The manner of giving notice in each type of proceeding; and
- (b) The persons entitled to notice in each type of proceeding.

2. The commission shall not dispense with a hearing ~~if~~:

(a) In any matter pending before the commission pursuant to sections 8 to 18, inclusive, of ~~this act~~ *Assembly Bill No. 369 of this session*; or

(b) Except as otherwise provided in subsection 4 of NRS 704.100, in any matter pending before the commission pursuant to NRS 704.070 to 704.110, inclusive, and sections 41 to 46, inclusive, of this act in which an electric utility has filed a general rate application or an application to clear its deferred accounts.

3. In any other matter pending before the commission, the commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the commission a request that the hearing be held. If

such a request for a hearing is filed, the commission shall give at least 10 days' notice of the hearing.

4. *As used in this section, "electric utility" has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of this session.*

Sec. 34. NRS 703.330 is hereby amended to read as follows:

703.330 1. A complete record must be kept of all hearings before the commission. ~~[, and all]~~ All testimony at such hearings must be taken down by the stenographer appointed by the commission, or, under the direction of any competent person appointed by the commission, must be reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed, and the transcript filed with the record in the matter. The commission may by regulation provide for the transcription or safekeeping of sound recordings. Cost of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to NRS 703.310, must be paid by the applicant. If a complaint is made pursuant to NRS 703.310 by a customer or by a political subdivision of the state or municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the commission may apportion the costs among them in its discretion.

2. ~~[Whenever any complaint]~~ If a petition is served upon the commission as provided in NRS 703.373 for the bringing of an action against the commission, before the action is reached for trial, the commission shall file a certified copy of all proceedings and testimony taken with the clerk of the court in which the action is pending.

3. A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount, to be fixed by the commission, and the amount must be the same for all parties.

4. The provisions of this section do not prohibit the commission from ~~[restricting]~~:

(a) Restricting access to the records and transcripts of a hearing pursuant to paragraph (a) of subsection 3 of NRS 703.196.

(b) Protecting the confidentiality of information pursuant to section 20 or 21 of this act.

Sec. 35. NRS 703.374 is hereby amended to read as follows:

703.374 1. A court of competent jurisdiction, after hearing, may issue an injunction suspending or staying any final order of the commission if:

(a) The applicant has filed a motion for a preliminary injunction;

(b) The applicant has served the motion on the commission and other interested parties within 20 days after the rendition of the order on which the complaint is based;

(c) The court finds there is a reasonable likelihood that the applicant will prevail on the merits of the matter and will suffer irreparable injury if injunctive relief is not granted; and

(d) The applicant files a bond or other undertaking to secure the adverse parties in such manner as the court finds sufficient.

2. The decision of the commission on each matter considered shall be deemed reasonable and just until set aside by the court . ~~{, and in}~~ *In all actions for an injunction or ~~{otherwise}~~ for any other relief*, the burden of proof is upon the party attacking or resisting the order of the commission to show by clear and satisfactory evidence that the order is unlawful ~~{,}~~ or unreasonable . ~~{, as the case may be.}~~

3. If an injunction is granted by the court and the order complained of is one which ~~{permanently suspends}~~ :

(a) *Disapproves a public utility's proposed changes in a schedule of rates ~~{and charges or a}~~ , or any part thereof , ~~{filed by any public utility}~~ pursuant to NRS 704.070 to 704.110, inclusive, ~~{or which otherwise}~~ and sections 41 to 46, inclusive, of this act; or*

(b) *Otherwise prevents the proposed changes in the schedule , or any part thereof , from taking effect,* the public utility complaining may ~~{keep in effect or put}~~ place into effect ~~{, as the case may be, the suspended}~~ *the proposed changes in the schedule , or any part thereof , pending final determination by the court having jurisdiction, by filing a bond with the court in such an amount as the court may fix, conditioned upon the refund to persons entitled to the excess amount if the ~~{rate or rates so suspended}~~ proposed changes in the schedule, or any part thereof, are finally determined by the court to be excessive.*

Sec. 36. NRS 703.377 is hereby amended to read as follows:

703.377 1. ~~{No}~~ *Any certificate of public convenience and necessity, permit or license issued or transferred in accordance with the ~~{terms}~~ provisions of NRS ~~{704.005}~~ 704.001 to 704.751, inclusive, is ~~{either}~~ not a franchise or irrevocable.*

2. Upon receipt of a written complaint or on its own motion, the commission may, after investigation and hearing, revoke any certificate, permit or license, ~~{but as to}~~ *except that the commission may not revoke the certificate of a public utility ~~{only if}~~ unless the commission has arranged for another public utility to provide the service for which the certificate was granted.*

3. ~~{The proceedings thereafter are governed by}~~ *If the commission revokes any certificate, permit or license, the person who held the certificate, permit or license may seek judicial review pursuant to the provisions of NRS 703.373 to 703.376, inclusive.*

Sec. 37. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 38 to 46, inclusive, of this act.

Sec. 38. *"Biomass" means any organic matter that is available on a renewable basis, including, without limitation:*

1. *Agricultural crops and agricultural wastes and residues;*
2. *Wood and wood wastes and residues;*
3. *Animal wastes;*

4. *Municipal wastes; and*

5. *Aquatic plants.*

Sec. 39. *“Consumer’s advocate” means the consumer’s advocate of the bureau of consumer protection in the office of the attorney general.*

Sec. 40. *“Renewable energy” has the meaning ascribed to it in section 7 of Senate Bill No. 372 of this session.*

Sec. 41. *As used in NRS 704.070 to 704.110, inclusive, and sections 41 to 46, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 42, 43 and 44 of this act have the meanings ascribed to them in those sections.*

Sec. 42. *“Application to make changes in any schedule” and “application” include, without limitation:*

1. *A general rate application;*

2. *An application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale; and*

3. *An application to clear deferred accounts.*

Sec. 43. *“Rate” means any individual or joint rate, toll or charge imposed by a public utility for a service performed or product furnished by the public utility.*

Sec. 44. *“Schedule” means any schedule that establishes or otherwise sets the rates for a public utility and any individual or joint rule, regulation, practice, classification or measurement that in any manner affects those rates.*

Sec. 45. *For the purposes of NRS 704.070 to 704.110, inclusive, and sections 41 to 46, inclusive, of this act, a public utility shall be deemed to make changes in a schedule if the public utility implements a new schedule or amends an existing schedule.*

Sec. 46. 1. *The commission shall conduct a consumer session to solicit comments from the public in any matter pending before the commission pursuant to NRS 704.070 to 704.110, inclusive, and sections 41 to 46, inclusive, of this act in which:*

(a) *A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale or an application to clear its deferred accounts; and*

(b) *The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant’s annual gross operating revenue, whichever is less.*

2. *In addition to the case-specific consumer sessions required by subsection 1, the commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this state and at least one general consumer session in the county with the second largest population in this state. At each general consumer session, the commission shall solicit comments from the public on issues concerning*

public utilities. Not later than 60 days after each general consumer session, the commission shall submit the record from the general consumer session to the legislative commission.

Sec. 47. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.010 to 704.030, inclusive, *and sections 38 and 39 of this act* have the meanings ascribed to them in those sections.

Sec. 48. NRS 704.033 is hereby amended to read as follows:

704.033 1. The commission shall levy and collect an annual assessment from all public utilities subject to the jurisdiction of the commission.

2. Except as otherwise provided in subsection 3, the annual assessment must be:

(a) For the use of the commission, not more than 3.50 mills; and

(b) For the use of the consumer's advocate, ~~[of the bureau of consumer protection in the office of the attorney general,]~~ not more than 0.75 mills, on each dollar of gross operating revenue derived from the intrastate operations of such utilities in the State of Nevada, except that the minimum assessment in any 1 year must be \$10. The total annual assessment must be not more than 4.25 mills.

3. For railroads the total annual assessment must be the amount levied for the use of the commission pursuant to paragraph (a) of subsection 2. The levy for the use of the consumer's advocate must not be assessed against railroads.

4. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) Telephone utilities, except as *otherwise* provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues that are considered by the commission for the purpose of establishing rates.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility for resale.

Sec. 49. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 1 of each year, the commission shall mail revenue report forms to all public utilities under its jurisdiction, to the address of those utilities on file with the commission. The revenue report form serves as notice of the commission's intent to assess the utilities, but failure to notify any utility does not invalidate the assessment with respect thereto.

2. Each public utility subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the commission accompanied by payment of the assessment and any penalty due, pursuant to the provisions of subsection 5.

3. The assessment is due on July 1 of each year, but may, at the option of the public utility, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the utility is subject to review and audit by the commission, and the amount of the assessment may be adjusted by the commission as a result of the audit and review.

5. Any public utility failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment, a penalty of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent, or \$10, whichever is greater, but no penalty may exceed \$1,000 for each delinquent payment.

6. When a public utility sells, transfers or conveys substantially all of its assets or certificate of public convenience and necessity, the commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after the sale, transfer or conveyance, unless the transferee has assumed liability for the assessment. For purposes of this subsection the jurisdiction of the commission over the selling, transferring or conveying public utility continues until it has paid the assessment.

7. The commission may bring an appropriate action in its own name for the collection of any assessment and penalty which is not paid as provided in this section.

8. The commission shall, on a quarterly basis, transfer to the account for the consumer's advocate ~~{of the bureau of consumer protection in the office of the attorney general}~~ that portion of the assessments collected which belongs to the consumer's advocate.

Sec. 50. NRS 704.070 is hereby amended to read as follows:

704.070 Unless exempt under the provisions of NRS 704.075 , 704.095 or 704.097:

1. ~~{Every}~~ *Each* public utility shall file with the commission, within a time to be fixed by the commission, *a copy of all schedules [which] that are currently in force for the public utility. Such schedules must be open to public inspection . [, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed or product furnished in connection therewith by any public utility controlled and operated by it.*

2. ~~All rules or regulations that in any manner affect the rates charged or to be charged for any service or product must be filed with that schedule.]~~

2. *A copy of each schedule that is currently in force for the public utility, or so much of the schedule as the commission deems necessary for inspection by the public, must be:*

(a) *Printed in plain type and posted in each office of the public utility where payments are made to the public utility by its customers; and*

(b) *Open to inspection by the public and in such form and place as to be readily accessible to and conveniently inspected by the public.*

Sec. 51. NRS 704.075 is hereby amended to read as follows:

704.075 1. As used in this section, with respect to the sale of *natural gas*:

(a) "Generating customer" means a customer who generates electricity by burning natural gas.

(b) "Industrial customer" means a customer engaged primarily in manufacturing or processing which changes raw or unfinished materials into another form or creates another product.

(c) "Large commercial customer" means a customer whose requirements equal or exceed ~~{50 thousand}~~ 50,000 cubic feet of *natural gas* per day on any day and which is an institution, an agency of federal, state or local government, or engaged primarily in renting out offices or other commercial space, in providing lodging or in the sale of other goods or services.

2. The commission shall establish standards for the setting, increase or decrease of rates ~~{and charges}~~ for natural gas to generating, industrial and large commercial customers. These standards must authorize increases or decreases on less than 30 days' notice. Establishing different classes of customers, and charging different rates to customers of the same class, for these customers do not violate this chapter.

3. The commission may, for sales to generating, industrial and large commercial customers:

(a) Exempt the ~~{filing of}~~ rates for *natural gas* from those provisions of NRS ~~{704.080, 704.090,}~~ 704.070, 704.100 and 704.110 ~~{which it}~~ that the commission determines are not needed to protect the public interest.

(b) Authorize the establishment of different classes of customer or the charging of different rates for customers of the same class, based on value of the service and on the customer's ability to change from one fuel to another.

Sec. 52. NRS 704.100 is hereby amended to read as follows:

704.100 Except as otherwise provided in NRS 704.075 or as may otherwise be provided by the commission pursuant to NRS 704.095 ~~{704.097 or 704.275}~~:

~~1. No changes may be made}~~ or 704.097:

~~1. A public utility shall not make changes in any schedule, {including schedules of joint rates, or in the rules or regulations affecting any rates or charges, except upon 30 days' notice to the commission, and all changes must be plainly indicated, or by filing new schedules in lieu thereof 30 days before the time the schedules are to take effect. The commission, upon application of any public utility, may prescribe a shorter time within which a reduction may be made.~~

~~2. Copies}~~ unless the public utility files with the commission an application to make the proposed changes and the commission approves the proposed changes pursuant to NRS 704.110.

~~2. A public utility shall post copies of all proposed { } schedules and all new or amended schedules {must be filed and posted in the offices of public utilities as required for original schedules.} in the same offices and in~~

substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

3. A public utility may *not* set forth as justification for a rate increase any items of expense or rate base ~~[which]~~ *that previously* have been considered and disallowed by the commission, ~~[only if]~~ *unless* those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the ~~[commission's]~~ prior decision ~~[~~.

~~4. The commission shall determine whether a hearing must be held when] of the commission.~~

4. Except as otherwise provided in subsection 5, if the proposed change in any schedule ~~[stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge,]~~ will result in an increase in annual gross operating revenue, as certified by the applicant ~~[of \$2,500 or less,]~~ in an amount that does not exceed \$2,500, the commission shall determine whether it should dispense with a hearing regarding the proposed change.

5. If the applicant is a public utility furnishing telephone service and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the commission shall determine whether it should dispense with a hearing regarding the proposed change.

6. In making the determination pursuant to subsection 4 or 5, the commission shall first consider all timely written protests, any presentation that the regulatory operations staff of the commission may desire to present, the application of the public utility and any other matters deemed relevant by the commission.

Sec. 53. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 or as *may* otherwise *be* provided by the commission pursuant to NRS 704.095 or 704.097:

1. ~~[Whenever there is filed]~~ *If a public utility files with the commission an application to make changes in any schedule [stating a new or revised individual or joint rate or charge, or any new or revised individual or joint regulation or practice affecting any rate or charge, or any schedule resulting]* , including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the commission ~~[may, upon complaint or upon its own motion without complaint, at once, without answer or formal pleading by the interested utility, investigate or, upon reasonable notice, conduct a hearing concerning]~~ *shall investigate* the propriety of the ~~[rate, charge, classification, regulation, discontinuance, modification, restriction or practice.~~

~~2. Pending the investigation or hearing and the decision thereon, the commission, upon delivering to the utility affected thereby a statement in~~

~~writing of its reasons for the suspension, may suspend the operation of the schedule and defer the use of the rate, charge, classification, regulation, discontinuance, modification, restriction or practice. If the rate, charge, classification, regulation, discontinuance, modification, restriction or practice is part of:~~

~~(a) A filing made pursuant to subsection 7, the suspension must not be effective for more than 90 days beyond the time when the rate, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.~~

~~—(b) Any other filing made pursuant to this section, the suspension must not be effective for more than 150 days beyond the time when the rate, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.~~

~~3. Whenever there is filed] proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the consumer's advocate shall be deemed a party of record.~~

2. Except as otherwise provided in subsection 3, if a public utility files with the commission an application to make changes in any schedule, not later than 180 days after the date on which the application is filed, the commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the commission ~~[any schedule stating an increased individual or joint rate or charge for service or equipment,] a general rate application~~, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. ~~[During any hearing concerning the increased rates or charges determined by the commission to be necessary,] In determining whether to approve or disapprove any increased rates~~, the commission shall consider evidence in support of the increased rates ~~[or charges]~~ based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but ~~[no new rates or charges may be placed]~~ the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the commission ~~[and the commission has approved the increased rates]~~. The commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period

or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the ~~[filing with the commission of]~~ *date on which the certification required [in] by this subsection [, or before the expiration of any period of suspension ordered pursuant to subsection 2,]* is filed with the commission, or within 180 days after the date on which the general rate application is filed with the commission, whichever time is longer, the commission shall make such order in reference to ~~[those rates or charges]~~ *the increased rates* as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months.

4. ~~[After full investigation or hearing, whether completed before or after the date upon which the rate, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the commission may make such order in reference to the rate, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.]~~

5. ~~Except as otherwise provided in subsection 6, whenever]~~ *If a public utility files with the commission an application to make changes in any schedule and the commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the commission.*

5. *If a public utility files with the commission a general rate application [for an increased rate or charge for, or classification, regulation, discontinuance, modification, restriction or practice involving service or equipment has been filed with the commission, a], the public utility shall not [submit] file with the commission another general rate application until all pending general rate applications [for increases in rates submitted] filed by that public utility have been decided by the commission unless, after application and hearing, the commission determines that a substantial financial emergency would exist if the [other application] public utility is not permitted to [be submitted] file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 6 or an application to clear its deferred accounts pursuant to subsection 7, if the public utility is otherwise authorized by those provisions to file such an application.*

6. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to an electric utility using deferred accounting pursuant to section 19 of ~~[this act.]~~ *Assembly Bill No. 369 of this session.*

7. Except as otherwise provided in subsection 8 ~~[, whenever]~~ and subsection 4 of NRS 704.100, if an electric utility using deferred accounting pursuant to section 19 of ~~[this act]~~ Assembly Bill No. 369 of this session files an application to clear its deferred accounts and to change one or more of its rates ~~[or charges]~~ based upon changes in the costs for purchased fuel or purchased power, the commission, after a public hearing and by an appropriate order:

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

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

8. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 7, the commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this state for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

9. ~~[Whenever]~~ If an electric utility files an application to clear its deferred accounts pursuant to subsection 7 while a general rate application is pending, the electric utility shall:

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

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

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

11. As used in this section, "electric utility" has the meaning ascribed to it in section 19 of ~~[this act]~~ Assembly Bill No. 369 of this session.

Sec. 54. NRS 704.329 is hereby amended to read as follows:

704.329 1. Except as otherwise provided in ~~[this section]~~ subsection 6, a person shall not merge with, directly acquire, indirectly acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of a public utility doing business in this state or an entity that holds a controlling interest in such a public utility without first submitting to the commission an

application for authorization of the proposed ~~[merger, acquisition or other]~~ transaction and obtaining authorization from the commission.

2. Any ~~[merger, acquisition or other]~~ transaction that violates the provisions of this section is void and unenforceable and is not valid for any purpose.

3. Before authorizing a proposed ~~[merger, acquisition or other]~~ transaction pursuant to this section, the commission shall consider the effect of the proposed ~~[merger, acquisition or other]~~ transaction on the public interest and the customers in this state. The commission shall not authorize the proposed ~~[merger, acquisition or other]~~ transaction unless the commission finds that the proposed ~~[merger, acquisition or other]~~ transaction:

(a) Will be in the public interest; and

(b) Complies with the provisions of sections 8 to 18, inclusive, of ~~[this act,]~~ *Assembly Bill No. 369 of this session*, if the proposed ~~[merger, acquisition or other]~~ transaction is subject to those provisions.

4. The commission may base its authorization of the proposed ~~[merger, acquisition or other]~~ transaction upon such terms, conditions or modifications as the commission deems appropriate.

5. If the commission does not issue a final order regarding the proposed ~~[merger, acquisition or other]~~ transaction within 180 days after the date on which an application or amended application for authorization of the proposed ~~[merger, acquisition or other]~~ transaction was filed with the commission, and the proposed ~~[merger, acquisition or other]~~ transaction is not subject to the provisions of sections 8 to 18, inclusive, of ~~[this act,]~~ *Assembly Bill No. 369 of this session*, the proposed ~~[merger, acquisition or other]~~ transaction shall be deemed to be authorized by the commission.

6. The provisions of this section do not apply to ~~[the]~~ :

(a) *The transfer of stock of a public utility doing business in this state or to the transfer of the stock of an entity ~~[holding]~~ that holds a controlling interest in such a public utility, if a transfer of not more than 25 percent of the common stock of such a public utility or entity is proposed.*

(b) *A proposed transaction involving a public utility doing business in this state providing telecommunication services or an entity that holds a controlling interest in such a public utility if, in the most recently completed calendar year, not more than 10 percent of the gross operating revenue of the public utility or the entity that holds a controlling interest in the public utility was derived from intrastate telecommunication services provided to retail customers in this state by the public utility.*

7. *As used in this section:*

(a) "Person" means:

(1) *A natural person;*

(2) *Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;*

(3) *A government or an agency or instrumentality of a government, including, without limitation, this state or an agency or instrumentality of this state; and*

(4) *A political subdivision of this state or of any other government or an agency or instrumentality of a political subdivision of this state or of any other government.*

(b) *“Transaction” means a merger, acquisition or change in control described in subsection 1.*

Sec. 55. NRS 704.68964 is hereby amended to read as follows:

704.68964 1. An electing carrier may, pursuant to this section and in accordance with NRS 704.68976, exercise flexibility in the pricing of:

(a) Competitive services and discretionary services. The commission shall not specify a maximum rate for any competitive services or discretionary services of the electing carrier. The electing carrier shall, with regard to any competitive or discretionary service that it provides, set the price of that service above the price floor of the service.

(b) A package of services, which may include basic network services, competitive services, discretionary services and other essential services.

2. Except as otherwise provided in this subsection, an electing carrier may, upon 30-days' notice to the commission in writing, exercise flexibility in the pricing of its services pursuant to subsection 1 and is exempt, with respect to the pricing of its services, from the provisions of NRS 704.100 and 704.110 and the regulations of the commission relating thereto. The notice must include a description in reasonable detail of:

(a) The characteristics of the services that will be subject to flexibility in pricing;

(b) The terms and conditions applicable to the services;

(c) The nature of any limitations on the duration or geographical availability of the services;

(d) The price or prices of the services or packages of services; and

(e) A certificate which provides that the electing carrier has prepared a cost study of the price floor to support the price or prices for each service and that, on and after the date on which the notice is filed with the commission, any affected person may, upon request, inspect and copy the cost study, subject to reasonable terms and conditions of any applicable confidentiality and nondisclosure agreement relating to the services.

The notice requirements of this subsection do not apply to an electing carrier with respect to the pricing of competitive services or for packages comprised exclusively of competitive services.

3. The price for a package of services must not be lower than the lesser of:

(a) The sum of the price floors for each of the services contained in the package; or

(b) The sum of the prices of the basic network services, as set forth in the tariffs of the electing carrier, and the price floors for each of the other services contained in the package.

4. The commission shall not specify a maximum rate for a package of services.

5. Each of the services included in a package pursuant to paragraph (b) of subsection 1 must be made available on an individual basis.

Sec. 56. NRS 704.68972 is hereby amended to read as follows:

704.68972 1. An electing carrier may introduce new services upon 30-days' notice to the commission in writing. The notice must include a description in reasonable detail of:

- (a) The characteristics of each new service;
- (b) The terms and conditions applicable to each new service;
- (c) The nature of any limitations on the duration or geographical availability of each new service;
- (d) The price or prices of each new service; and
- (e) A certificate that provides that the electing carrier has prepared a cost study of the price floor to support the price or prices for each new service and that, on and after the date on which the notice is filed with the commission, any affected person may, upon request, inspect and copy the cost study, subject to reasonable terms and conditions of any applicable confidentiality and nondisclosure agreement.

2. Each new service is subject to the conditions set forth in NRS 704.68964.

3. Each new service is exempt from *the provisions of* NRS 704.100 and 704.110 and the regulations of the commission relating thereto.

4. Unless otherwise classified by the commission as a competitive service pursuant to its regulations, a new service must be classified as a discretionary service for which the commission shall not specify a maximum rate. The electing carrier shall set the price of the new service above the price floor of the service.

5. As used in this section, a "new service" means a telecommunication service:

- (a) That provides a function, feature or capability which is materially different from any service or services previously offered by the carrier; or
- (b) Combines two or more previously provided new services.

Sec. 57. NRS 704.743 is hereby amended to read as follows:

704.743 1. A utility which supplies electricity in this state may apply to the commission for authority to charge, as part of a program of optional pricing, a higher rate for electricity that is generated from renewable energy.

2. The program may provide the customers of the utility with the option of paying a higher rate for electricity to support the increased use by the utility of renewable energy in the generation of electricity.

3. As used in this section ~~the~~

- (a) ~~"Biomass" has the meaning ascribed to it in section 4 of this act.~~

~~(b) “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:~~

- ~~(1) Wind;~~
- ~~(2) Solar energy;~~
- ~~(3) Geothermal energy; and~~
- ~~(4) Biomass.~~

~~The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.], “renewable energy” has the meaning ascribed to it in section 7 of Senate Bill No. 372 of this session.~~

Sec. 58. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS ~~[704.767]~~ 704.766 to 704.775, inclusive, unless the context otherwise requires, the words and terms defined in NRS 704.768 to 704.772, inclusive, *and section 40 of this act* have the meanings ascribed to them in those sections.

Sec. 59. NRS 704.771 is hereby amended to read as follows:

704.771 “Net metering system” means a facility *or energy system* for the ~~[production of electrical energy]~~ *generation of electricity* that:

1. Uses ~~[wind or solar]~~ *renewable energy* as its primary source of ~~[fuel;]~~ *energy to generate electricity;*
2. Has a generating capacity of not more than 10 kilowatts;
3. Is located on the customer-generator’s premises;
4. Operates in parallel with the utility’s transmission and distribution facilities; and
5. Is intended primarily to offset part or all of the customer-generator’s requirements for electricity.

Sec. 60. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area . ~~[until 100 of those customer-generators have accepted the offer.]~~

2. A utility:

(a) Shall offer to make available to each of its customer-generators who has accepted its offer for net metering an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator’s minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

Sec. 61. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering may be either a monthly period or, with the written consent of the customer-generator, an annual period.

2. The net energy measurement must be calculated in the following manner:

(a) The utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period ~~[neither]~~ :

(1) *Neither* the utility nor the customer-generator is entitled to compensation for electricity provided to the other during the billing period ~~[]~~ ; and

(2) *The excess electricity which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to sections 3 to 12, inclusive, of Senate Bill No. 372 of this session.*

Sec. 62. NRS 228.360 is hereby amended to read as follows:

228.360 The consumer's advocate:

1. Shall intervene in and represent the public interest in ~~[all]~~ :

(a) *All proceedings conducted pursuant to sections 8 to 18, inclusive, of ~~[this act.]~~ Assembly Bill No. 369 of this session; and*

(b) *All proceedings conducted pursuant to NRS 704.070 to 704.110, inclusive, and sections 41 to 46, inclusive, of this act in which an electric utility has filed a general rate application or an application to clear its deferred accounts.*

2. May, with respect to all public utilities except railroads and cooperative utilities, and except as *otherwise* provided in NRS 228.380:

(a) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

(b) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the public utilities commission of Nevada in the same manner and to the same extent as authorized by law for members of the public utilities commission of Nevada and its staff.

(c) Except as otherwise provided in subsection 1, petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the public utilities commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the consumer's advocate may bring before or has brought before the public utilities commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The consumer's

advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.

3. *As used in this section, "electric utility" has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of this session.*

Sec. 63. NRS 228.390 is hereby amended to read as follows:

228.390 Except as otherwise provided in NRS 704.110 and sections 8 to 18, inclusive, of ~~[this act]~~ *Assembly Bill No. 369 of this session:*

1. The consumer's advocate has sole discretion to represent or refrain from representing the public interest and any class of customers in any proceeding.

2. In exercising his discretion, the consumer's advocate shall consider the importance and extent of the public interest or the customers' interests involved and whether those interests would be adequately represented without his participation.

3. If the consumer's advocate determines that there would be a conflict between the public interest and any particular class of customers or any inconsistent interests among the classes of customers involved in a particular matter, he may choose to represent one of the interests, to represent no interest, or to represent one interest through his office and another or others through outside counsel engaged on a case basis.

Sec. 64. Chapter 349 of NRS is hereby amended by adding thereto the provisions set forth as sections 65 to 68, inclusive, of this act.

Sec. 65. *"Biomass" means any organic matter that is available on a renewable basis, including, without limitation:*

1. *Agricultural crops and agricultural wastes and residues;*
2. *Wood and wood wastes and residues;*
3. *Animal wastes;*
4. *Municipal wastes; and*
5. *Aquatic plants.*

Sec. 66. *"Fuel cell" means a device or contrivance that, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.*

Sec. 67. 1. *"Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:*

- (a) *Biomass;*
- (b) *Fuel cells;*
- (c) *Geothermal energy;*
- (d) *Solar energy;*
- (e) *Waterpower; and*
- (f) *Wind.*

2. *The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.*

Sec. 68. 1. *“Renewable energy generation project” means a project involving an electric generating facility or system that uses renewable energy as its primary source of energy to generate electricity.*

2. *The term does not include a project involving an electric generating facility or system that uses nuclear energy, in whole or in part, to generate electricity.*

Sec. 69. NRS 349.400 is hereby amended to read as follows:

349.400 As used in NRS 349.400 to 349.670, inclusive, unless the context otherwise requires, the words and terms defined in NRS 349.410 to 349.540, inclusive, *and sections 65 to 68, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 70. NRS 349.430 is hereby amended to read as follows:

349.430 *“Cost of a project” means all or a designated part of the cost of any project, including any incidental cost pertaining to the project. The cost of a project may include, among other costs, the costs of:*

1. Surveys, audits, preliminary plans, other plans, specifications, estimates and other costs of preparations;

2. Appraising, printing, estimating, advice, services of engineers, architects, financial consultants, attorneys, clerical personnel and other agents and employees;

3. Publishing, posting, mailing and otherwise giving notice, filing or recording instruments, taking options and fees to banks;

4. Establishment of a reserve for contingencies;

5. Interest on bonds for any time which does not exceed *the estimated period of construction plus 1 year*, discounts on bonds, reserves for the payment of the principal of and interest on bonds, replacement expenses and other costs of issuing bonds;

6. Amending any resolution or other instrument authorizing the issuance of, or otherwise relating to, bonds for the project; and

7. Short-term financing,
and the expense of operation and maintenance of the project.

Sec. 71. NRS 349.510 is hereby amended to read as follows:

349.510 *“Project” means:*

1. Any land, building or other improvement and all real and personal properties necessary in connection therewith, excluding inventories, raw materials and working capital, whether or not in existence, suitable for new construction, improvement, rehabilitation or redevelopment for:

(a) Industrial uses, including assembling, fabricating, manufacturing, processing or warehousing;

(b) Research and development relating to commerce or industry, including professional, administrative and scientific offices and laboratories;

(c) Commercial enterprises;

(d) Civic and cultural enterprises open to the general public, including theaters, museums and exhibitions, together with buildings and other structures, machinery, equipment, facilities and appurtenances thereto which

the director deems useful or desirable in connection with the conduct of any such enterprise;

(e) An educational institution operated by a nonprofit organization not otherwise directly funded by the state which is accredited by a nationally recognized educational accrediting association;

(f) Health and care facilities and supplemental facilities for health and care; ~~or~~

(g) The purposes of a corporation for public benefit ~~[-]~~ ; or

(h) *A renewable energy generation project.*

2. Any real or personal property appropriate for addition to a hotel, motel, apartment building, casino or office building to protect it or its occupants from fire.

3. The preservation of a historic structure or its restoration for its original or another use, if the plan has been approved by the office of historic preservation of the department of cultural affairs.

Sec. 72. NRS 349.560 is hereby amended to read as follows:

349.560 It is the intent of the legislature to authorize the director to finance, acquire, own, lease, improve and dispose of properties to:

1. Promote industry and employment and develop trade by inducing manufacturing, industrial, warehousing and commercial enterprises and organizations for research and development to locate, remain or expand in this state to further prosperity throughout the state and to further the use of the agricultural products and the natural resources of this state.

2. Enhance public safety by protecting hotels, motels, apartment buildings, casinos, office buildings and their occupants from fire.

3. Promote the public health by enabling the acquisition, development, expansion and maintenance of health and care facilities and supplemental facilities for health and care facilities which will provide services of high quality at reasonable rates to the residents of the community in which the facilities are situated.

4. Promote the educational, cultural, economic and general welfare of the public by financing civic and cultural enterprises, certain educational institutions and the preservation or restoration of historic structures.

5. Promote the social welfare of the residents of this state by enabling a corporation for public benefit to acquire, develop, expand and maintain facilities that provide services for those residents.

6. *Promote the generation of electricity in this state.*

Sec. 73. NRS 349.565 is hereby amended to read as follows:

349.565 1. The director may not, under NRS 349.400 to 349.670, inclusive:

(a) Operate any manufacturing, industrial, warehousing or commercial enterprise or an organization for research and development or any health and care facility to which he provided assistance; or

(b) Except as otherwise provided in subsection 2, assist any manufacturing, industrial, warehousing or commercial enterprise or an

organization for research and development to locate in a county or city which would result in the abandonment or closure of an existing facility of a like nature located within that county or city, unless the existing facility is operated by the contemplated lessee, purchaser or other obligor or an affiliate of such a person and the facility is to be abandoned or closed because of obsolescence, lack of available labor or limitations at the site of the facility.

2. The provisions of paragraph (b) of subsection 1 do not apply to:

(a) Health and care facilities and supplemental facilities for a health and care facility;

(b) Civic and cultural enterprises open to the general public;

(c) Enterprises located in a redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(d) Enterprises located in an area designated as an empowerment zone pursuant to sections 1391 to 1397, inclusive, of the Internal Revenue Code of 1986, 26 U.S.C. §§ 1391-97, future amendments to those sections and the corresponding provisions of future internal revenue laws;

(e) Facilities established by a corporation for public benefit; ~~and~~

(f) Enterprises whose products are substantially sold, used or distributed outside this state ~~+~~; and

(g) *Renewable energy generation projects.*

Sec. 74. NRS 349.580 is hereby amended to read as follows:

349.580 Except as otherwise provided in NRS 349.595 and 349.640, the director shall not finance a project unless, before financing:

1. The director finds that:

(a) The project to be financed has been approved for financing pursuant to the requirements of NRS 244A.669 to 244A.763, inclusive, or 268.512 to 268.568, inclusive; and

(b) There has been a request by a city or county to have the director issue bonds to finance the project; or

2. The director finds and both the board and the governing body of the city or county where the project is to be located approve the findings of the director that:

(a) The project consists of any land, building or other improvement and all real and personal properties necessary in connection therewith, excluding inventories, raw materials and working capital, whether or not in existence, which is suitable for new construction, improvement, preservation, restoration, rehabilitation or redevelopment:

(1) For manufacturing, industrial, warehousing, civic, cultural or other commercial enterprises, educational institutions, corporations for public benefit or organizations for research and development;

(2) For a health and care facility or a supplemental facility for a health and care facility;

(3) Of real or personal property appropriate for addition to a hotel, motel, apartment building, casino or office building to protect it or its occupants from fire; ~~or~~

(4) Of a historic structure; *or*

(5) *For a renewable energy generation project;*

(b) The project will provide a public benefit;

(c) The contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement;

(d) There are sufficient safeguards to assure that all money provided by the department will be expended solely for the purposes of the project;

(e) The project would be compatible with existing facilities in the area adjacent to the location of the project;

(f) The project ~~is~~ :

(1) *Is compatible with the plan of the state for economic diversification and development or for the marketing and development of tourism in this state; or*

(2) *Promotes the generation of electricity in this state;*

(g) Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

(h) There has been a request by a city, county, lessee, purchaser, other obligor or other enterprise to have the director issue revenue bonds for industrial development to finance the project.

Sec. 75. Chapter 523 of NRS is hereby amended by adding thereto the provisions set forth as sections 76 to 87, inclusive, of this act.

Sec. 76. *“Biomass” means any organic matter that is available on a renewable basis, including, without limitation:*

1. *Agricultural crops and agricultural wastes and residues;*
2. *Wood and wood wastes and residues;*
3. *Animal wastes;*
4. *Municipal wastes; and*
5. *Aquatic plants.*

Sec. 77. *“Consumer’s advocate” means the consumer’s advocate of the bureau of consumer protection in the office of the attorney general.*

Sec. 78. *“Director” means the director of the office of energy appointed pursuant to section 87 of this act.*

Sec. 79. *“Fuel cell” means a device or contrivance that, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.*

Sec. 80. 1. *“Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:*

- (a) *Biomass;*
- (b) *Fuel cells;*
- (c) *Geothermal energy;*
- (d) *Solar energy;*

- (e) *Waterpower; and*
- (f) *Wind.*

2. *The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.*

Sec. 81. 1. *“Renewable energy generation project” means a project involving an electric generating facility or system that uses renewable energy as its primary source of energy to generate electricity.*

2. *The term does not include a project involving an electric generating facility or system that uses nuclear energy, in whole or in part, to generate electricity.*

Sec. 82. *“Task force” means the task force for renewable energy and energy conservation created by section 84 of this act.*

Sec. 83. 1. *The trust fund for renewable energy and energy conservation is hereby created in the state treasury.*

2. *The task force shall administer the fund. As administrator of the fund, the task force:*

- (a) *Shall maintain the financial records of the fund;*
- (b) *Shall invest the money in the fund as the money in other state funds is invested;*
- (c) *Shall manage any account associated with the fund;*
- (d) *Shall maintain any instruments that evidence investments made with the money in the fund;*
- (e) *May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and*
- (f) *May perform any other duties that are necessary to administer the fund.*

3. *The interest and income earned on the money in the fund must, after deducting any applicable charges, be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.*

4. *Not more than 2 percent of the money in the fund may be used to pay the costs of administering the fund.*

5. *The money in the fund remains in the fund and does not revert to the state general fund at the end of any fiscal year.*

6. *All money that is deposited or paid into the fund may only be expended pursuant to an allocation made by the task force. Money expended from the fund must not be used to supplant existing methods of funding that are available to public agencies.*

Sec. 84. 1. *The task force for renewable energy and energy conservation is hereby created. The task force consists of nine members who are appointed as follows:*

- (a) *Two members appointed by the majority leader of the senate, one of whom represents the interests of the renewable energy industry in this state with respect to biomass and the other of whom represents the interests of the mining industry in this state.*

(b) Two members appointed by the speaker of the assembly, one of whom represents the interests of the renewable energy industry in this state with respect to geothermal energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.

(c) One member appointed by the minority leader of the senate to represent the interests of the renewable energy industry in this state with respect to solar energy.

(d) One member appointed by the minority leader of the assembly to represent the interests of the public utilities in this state.

(e) Two members appointed by the governor, one of whom represents the interests of the renewable energy industry in this state with respect to wind and the other of whom represents the interests of the gaming industry in this state.

(f) One member appointed by the consumer's advocate to represent the interests of the consumers in this state.

2. A member of the task force:

(a) Must be a citizen of the United States and a resident of this state.

(b) Must have training, education, experience or knowledge concerning:

(1) The development or use of renewable energy;

(2) Financing, planning or constructing renewable energy generation projects;

(3) Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(4) Weatherization;

(5) Building and energy codes and standards;

(6) Grants or incentives concerning energy;

(7) Public education or community relations; or

(8) Any other matter within the duties of the task force.

(c) Must not be an officer or employee of the legislative or judicial department of state government.

3. After the initial terms, the term of each member of the task force is 3 years. A vacancy on the task force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the task force.

4. A member of the task force who is an officer or employee of this state or a political subdivision of this state must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the task force and perform any work that is necessary to carry out the duties of the task force in the most timely manner practicable. A state agency or political subdivision of this state shall not require an officer or employee who is a member of the task force to:

(a) Make up the time he is absent from work to carry out his duties as a member of the task force; or

(b) Take annual leave or compensatory time for the absence.

Sec. 85. 1. *The members of the task force shall select a chairman and vice chairman from among their membership. The vice chairman shall perform the duties of the chairman during any absence of the chairman.*

2. *The chairman and vice chairman serve in those positions for terms of 1 year. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled for the remainder of the unexpired term in the same manner as the original selection.*

3. *A majority of the members of the task force constitutes a quorum. A majority of the members present during a quorum may exercise all the power and authority conferred on the task force.*

4. *The task force shall meet at least four times annually or more frequently at the discretion of the chairman.*

5. *Except as otherwise provided in this subsection, the members of the task force serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally. For each day of attendance at a meeting of the task force and while engaged in the business of the task force, a member of the task force who:*

(a) Is an officer or employee of this state or a political subdivision of this state is entitled to receive the per diem and travel expenses provided for state officers and employees generally, paid by his governmental employer.

(b) Represents the interests of a nonprofit organization is entitled to receive the per diem and travel expenses provided for state officers and employees generally, paid from the trust fund for renewable energy and energy conservation.

6. *The consumer's advocate shall provide the task force with administrative and clerical support and with such other assistance as may be necessary for the task force to carry out its duties. Such support and assistance must include, without limitation, making arrangements for facilities, equipment and other services in preparation for and during meetings.*

Sec. 86. 1. *The task force shall:*

(a) Advise the office of energy in the development and periodic review of the comprehensive energy plan with regard to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(b) Coordinate its activities and programs with the activities and programs of the office of energy, the consumer's advocate and the public utilities commission of Nevada and other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(c) Spend the money in the trust fund for renewable energy and energy conservation to:

(1) Educate persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(2) Create incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(3) Distribute grants and other money to establish programs and projects which incorporate the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(4) Conduct feasibility studies, including, without limitation, a feasibility study concerning the establishment of an incentive fund, grants or other programs to enable or assist residential, small commercial and agricultural customers to reduce the cost of purchasing on-site generation systems, net metering systems and distributed generation systems that use renewable energy.

(d) Take any other actions that the task force deems necessary to carry out its duties, including, without limitation, contracting with consultants, if necessary, for the purposes of program design or to assist the task force in carrying out its duties.

2. The task force shall prepare an annual report concerning its activities and programs and submit the report to the legislative commission and the governor on or before January 30 of each year. The annual report must include, without limitation:

(a) A description of the objectives of each activity and program;

(b) An analysis of the effectiveness and efficiency of each activity and program in meeting the objectives of the activity or program;

(c) The amount of money distributed for each activity and program from the trust fund for renewable energy and energy conservation and a detailed description of the use of that money for each activity and program;

(d) An analysis of the coordination between the task force and other officers and agencies; and

(e) Any changes planned for each activity and program.

3. As used in this section:

(a) "Distributed generation system" means a facility or system for the generation of electricity that is in close proximity to the place where the electricity is consumed.

(b) "Net metering system" has the meaning ascribed to it in NRS 704.771.

Sec. 87. 1. The office of energy is hereby created within the office of the governor.

2. The governor shall appoint the director. The director:

(a) Is in the unclassified service of the state; and

(b) Serves at the pleasure of the governor.

3. The director may, within the limits of available money, employ:

(a) Such persons in the unclassified service of the state as the director determines to be necessary to carry out the duties of the office of energy pursuant to this chapter; and

(b) Such additional personnel as may be required to carry out the duties of the office of energy pursuant to this chapter, who must be in the classified service of the state.

4. A person employed by the director pursuant to this section must be qualified by training and experience to perform the duties for which the director employs him.

5. The director and the persons employed by the director shall not have any conflict of interest relating to the performance of their duties pursuant to this chapter.

6. The provisions of NRS 223.085 do not apply to the director or to any person employed by the director pursuant to this section.

Sec. 88. NRS 523.011 is hereby amended to read as follows:

523.011 1. The legislature finds that:

(a) Energy is essential to the economy of the state and to the health, safety and welfare of the people of the state.

(b) The state has a responsibility to encourage the maintenance of a reliable and economical supply of energy at a level which is consistent with the protection of environmental quality.

(c) The state has a responsibility to encourage the utilization of a wide range of measures which reduce wasteful uses of energy resources.

(d) Planning for energy conservation and future energy requirements should include consideration of state, regional and local plans for land use, urban expansion, transportation systems, environmental protection and economic development.

(e) Government and private enterprise need to accelerate research and development of ~~[alternative]~~ sources of *renewable* energy and to improve technology related to the research and development of existing sources of energy.

(f) While government and private enterprise are seeking to accelerate research and development of ~~[alternative]~~ sources of *renewable* energy, they must also prepare for and respond to the advent of competition within the electrical energy industry and are, therefore, encouraged to maximize the use of indigenous energy resources to the extent competitively and economically feasible.

(g) Prevention of delays and interruptions in providing energy, protecting environmental values and conserving energy require expanded authority and capability within state government.

2. It is the policy of this state to encourage participation with all levels of government and private enterprise in cooperative state, regional and national programs to assure adequate supplies of energy resources and markets for such energy resources.

3. It is the policy of this state to assign the responsibility for managing and conserving energy and its sources to agencies whose other programs are similar, to avoid duplication of effort in developing policies and programs for energy.

Sec. 89. NRS 523.021 is hereby amended to read as follows:

523.021 As used in this chapter, unless the context otherwise requires ~~[-~~

~~1. "Department" means the department of business and industry.~~

~~2. "Director" means the director of the department.] , the words and terms defined in sections 76 to 82, inclusive, of this act have the meanings ascribed to them in those sections.~~

Sec. 90. NRS 523.051 is hereby amended to read as follows:

523.051 The director may:

1. Administer any gifts or grants which the department is authorized to accept for the purposes of this chapter.

2. Expend money received from those gifts or grants or from legislative appropriations to contract with qualified persons or institutions for research in the production and efficient use of energy resources.

3. Enter into any cooperative agreement with any federal or state agency or political subdivision.

4. Participate in any program established by the Federal Government relating to sources of energy and adopt regulations appropriate to that program.

5. *Assist developers of renewable energy generation projects in preparing and making requests to obtain money for development through the issuance industrial development revenue bonds pursuant to NRS 349.400 to 349.670, inclusive and sections 65 to 68, inclusive, of this act.*

6. *Adopt any regulations that the director determines are necessary to carry out the duties of the office of energy pursuant to this chapter.*

Sec. 91. NRS 523.131 is hereby amended to read as follows:

523.131 The director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources.

2. Utilize all available public and private means to provide information to the public about problems relating to energy and to explain how conservation of energy and its sources may be accomplished.

3. Review and evaluate information which identifies trends and permits forecasting of the energy available to the state. Such forecasts must include estimates on:

(a) The level of demand for energy in the state for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) *The sources of renewable energy and other alternative sources of energy which are available and their possible effects.*

4. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the state.

5. Encourage the development of ~~[any existing and alternative]~~ :

(a) *Any sources of renewable energy and any other energy projects which will benefit the state* ~~[]~~ ; and

(b) *Any measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

6. In conjunction with the desert research institute, review policies relating to the research and development of the state's geothermal resources and make recommendations to the appropriate state and federal agencies for establishing methods of developing the geothermal resources within the state.

7. *Solicit and serve as the point of contact for grants and other money from the Federal Government and other sources to promote:*

(a) *Energy projects that enhance the economic development of the state;*

(b) *The use of renewable energy; and*

(c) *The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

8. *Coordinate the activities and programs of the office of energy with the activities and programs of the task force, the consumer's advocate and the public utilities commission of Nevada and other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

9. *Carry out all other directives concerning energy that are prescribed by the governor.*

Sec. 92. NRS 523.141 is hereby amended to read as follows:

523.141 1. The director shall prepare a *comprehensive* state energy ~~[conservation]~~ plan which provides ~~[methods for conserving and improving efficiency in the use of energy resources and establishes procedures for reducing the rate of growth of energy demand and minimizing the adverse social, economic, political and environmental effects of increasing energy resource consumption.]~~

2. ~~The plan must be presented to the governor, and upon approval by the governor, may be submitted by him in compliance with any program established by the Federal Government.]~~ *for the promotion of:*

(a) *Energy projects that enhance the economic development of the state;*

(b) *The use of renewable energy; and*

(c) *The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

2. *The comprehensive state energy plan must include provisions for:*

(a) *The assessment of the potential benefits of proposed energy projects on the economic development of the state.*

(b) *The education of persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

(c) *The creation of incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

(d) *Grants and other money to establish programs and conduct activities which promote:*

(1) *Energy projects that enhance the economic development of the state;*

(2) *The use of renewable energy; and*

(3) *The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.*

(e) *The development or incorporation by reference of model and uniform building and energy codes and standards which are written in language which is easy to understand and which include performance standards for conservation of energy and efficient use of energy.*

(f) *Oversight and accountability with respect to all programs and activities described in this subsection.*

(g) *Any other matter that the task force determines to be relevant to the issues of energy resources, energy use, energy conservation and energy efficiency.*

Sec. 93. NRS 523.161 is hereby amended to read as follows:

523.161 1. ~~[Except for those energy resources for whose priorities of use are established by the public utilities commission of Nevada, the]~~ The director may recommend to state agencies, local governments and appropriate private persons and entities, standards for conservation of energy and its sources and for carrying out the state *comprehensive energy plan* . ~~[for the conservation of energy.]~~

2. In recommending such standards , the director shall consider the usage of energy and its sources in the state and the methods available for conservation of those sources.

Sec. 94. NRS 523.164 is hereby amended to read as follows:

523.164 1. The director shall adopt regulations for the conservation of energy in buildings, including manufactured homes, which establish the minimum standards for:

(a) The construction of floors, walls, ceilings and roofs;

(b) The equipment and systems for heating, ventilation and air-conditioning;

(c) Electrical equipment and systems;

(d) Insulation; and

(e) Other factors which affect the use of energy in a building.

2. The director may exempt a building from a standard if he determines that application of the standard to the building would not accomplish the purpose of the regulations.

3. The regulations must authorize allowances in design and construction for ~~[solar, wind or any other renewable source]~~ *sources of renewable energy* used to supply all or a part of the energy required in a building.

4. The standards adopted by the director are the minimum standards for the conservation of energy which apply only to areas in which the governing body of the local government has not adopted standards for the conservation of energy in buildings. Such governing bodies shall assist the director in the enforcement of the regulations adopted pursuant to this section.

5. The director shall solicit comments regarding the adoption of regulations pursuant to this section from:

- (a) Persons in the business of constructing and selling homes;
- (b) Contractors;
- (c) Public utilities;
- (d) Local building inspectors; and
- (e) The general public,

before adopting any regulations. The director must conduct at least three hearings in different locations in the state, after giving 30 days' notice of each hearing, before he may adopt any regulations pursuant to this section.

Sec. 95. NRS 651.040 is hereby amended to read as follows:

651.040 1. As used in this section, unless the context otherwise requires:

- (a) "Establishment" means any hotel, motel, inn or motor court.
- (b) "Owner" or "keeper" means any person, firm, association or corporation.
- (c) "Rates" means the total charge levied at the establishment for rooms or accommodations.

2. The rates listed on the printed statement required to be maintained by an owner or keeper of an establishment pursuant to NRS 651.030 must include ~~[the]~~ :

- (a) *The daily rate of the room for occupancy by one person ~~[]~~ and for occupancy by two persons ~~[, the]~~ ;*
- (b) *The additional charge, if any, for occupancy by each additional person over two persons ~~[and the]~~ ;*
- (c) *The additional charge, if any, for each additional bed provided in the room ~~[]~~ ; and*
- (d) *The additional charge, if any, to offset energy costs incurred by the establishment.*

3. Every establishment shall maintain a registration card for each room and supply the person or persons registering for accommodations a receipt. Both the registration card and the receipt must reflect the type of accommodations supplied, the number of persons occupying the accommodation and the rate charged each person therefor. An establishment shall not charge more than the rates listed on the printed statement required to be maintained by an owner or keeper of an establishment pursuant to NRS 651.030

~~{3-}~~ 4. For any violation of this section, or any provision herein contained, the offender shall forfeit to the injured party 3 times the amount of the sum charged in excess of what he is entitled to charge.

~~{4-}~~ 5. Any owner or keeper of any establishment who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 96. Section 1 of Assembly Bill No. 197 of this session is hereby amended to read as follows:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *On and after October 1, 2001, each electric utility shall disclose to its retail customers information about electric services, and any products and services relating thereto, that are being provided to or purchased for those retail customers by the electric utility. The disclosure must:*

(a) *Be in a standard, uniform format established by the commission by regulation;*

(b) *Be included:*

(1) *At least two times each calendar year, as an insert in the bills that the electric utility sends to its retail customers; and*

(2) *If the electric utility maintains a website on the Internet or any successor to the Internet, on that website; and*

(c) *Include adequate information so that a retail customer can readily evaluate his options for obtaining electric services or any products or services relating thereto.*

2. *A disclosure required by this section must include, if applicable:*

(a) *The average mix of energy sources used to generate the electricity sold by the electric utility to the retail customer. An electric utility may, if available, use a regional average that has been determined by the commission for that portion of electricity sold by the electric utility to the retail customer for which the specific mix of energy sources cannot be discerned.*

(b) *The average emissions, measured in pounds per megawatt-hour, of:*

(1) *Any high-level radioactive waste, sulfur dioxide, carbon dioxide, oxides of nitrogen and heavy metals released in this state from the generation of the electricity sold by the electric utility to the retail customer; and*

(2) *Any other substances released in this state from the generation of the electricity sold by the electric utility to the retail customer which the commission, in cooperation with the division of environmental protection of the state department of conservation and natural resources, determines may cause a significant health or environmental impact and for which sufficiently accurate and reliable data is available.*

If an electric utility uses a regional average for the mix of energy sources pursuant to paragraph (a), the electric utility shall, if available, use for the average emissions pursuant to this paragraph a regional calculation that has been determined by the commission.

(c) *Information concerning customer service.*

(d) *Information concerning any energy programs that provide assistance to retail customers with low incomes, including, without limitation, information on the procedures to apply for such programs.*

3. *An electric utility:*

(a) *Shall make the disclosures required pursuant to this section in accordance with the requirements adopted by the commission as to form and substance; and*

(b) *Shall ensure that it provides the information in compliance with all applicable state and federal law governing unfair advertising and labeling.*

4. *The commission shall adopt such regulations concerning form and substance for the disclosures required by this section as are necessary to ensure that retail customers are provided with sufficient information so that they can readily evaluate their options for obtaining electric services and any products and services relating thereto.*

5. *The provisions of this section do not require an electric utility to disclose to its retail customers any information about electric services, and any products and services relating thereto, that are subject to the provisions of sections 3 to 26, inclusive, of Assembly Bill No. 661 of this session.*

6. *As used in this section:*

(a) *“Electric utility” has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of this session.*

(b) *“Energy source” includes, without limitation:*

(1) *Coal, natural gas, oil, propane and any other fossil fuel;*

(2) *Geothermal energy, solar energy, hydroelectric energy, nuclear energy, wind, biofuel and biomass; and*

(3) *Any other specific energy source that is used to generate the electricity provided to the retail customer.*

Sec. 97. Assembly Bill No. 369 of this session is hereby amended by adding thereto a new section designated sec. 15.5, following sec. 15, to read as follows:

Sec. 15.5. *The provisions of sections 8 to 18, inclusive, of this act do not prohibit an electric utility from pledging, mortgaging, granting a security interest in or otherwise encumbering any of its generation assets or other property for the purpose of securing indebtedness of the electric utility which exists on the effective date of this act or which is issued or incurred by the electric utility after the effective date of this act in financing transactions approved by the commission.*

Sec. 98. Section 35 of Assembly Bill No. 369 of this session is hereby amended to read as follows:

Sec. 35. Except as otherwise provided in section 36 of this act and notwithstanding the provisions of any other specific statute to the contrary:

1. An electric utility shall not file an application for a fuel and purchased power rider on or after the effective date of this act.

2. Each application for a fuel and purchased power rider filed by an electric utility which is pending with the commission on the effective date of this act and which the electric utility did not place into effect before or on April 1, 2001, is void and unenforceable and is not valid for any purpose after April 1, 2001.

3. If, before March 1, 2001, an electric utility incurred any costs for fuel or purchased power, including, without limitation, any costs for fuel or purchased power recorded or carried on the books and records of the electric utility, and those costs were not recovered or could not be recovered pursuant to a fuel and purchased power rider placed into effect by the electric utility before March 1, 2001, the electric utility is not entitled, on or after March 1, 2001, to recover any of those costs for fuel or purchased power from customers, and the commission shall not allow the electric utility to recover any of those costs for fuel or purchased power from customers.

4. Except as otherwise provided in this section, on and after the effective date of this act:

(a) The commission shall not take any further action on the comprehensive energy plan, and each electric utility that jointly filed the comprehensive energy plan shall be deemed to have withdrawn the comprehensive energy plan;

(b) The rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan shall be deemed to be a component of the electric utility's rates for fuel and purchased power; and

(c) The revenues ~~collected~~ *for services provided* by each electric utility ~~[before April]~~ *for the period of March 1, 2001, to March 31, 2001, inclusive,* from the rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan shall be deemed to be a credit in the electric utility's deferred accounts.

5. On or before October 1, 2001, each electric utility that primarily serves densely populated counties shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by this act ~~[]~~ *and Assembly Bill No. 661 of this session*. On or before December 1, 2001, each electric utility that primarily serves densely populated counties shall file an application to clear its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act ~~[]~~ *and Assembly Bill No. 661 of this session*. After such an electric utility files the application to clear its deferred accounts, the commission shall investigate and determine whether the rates that the electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices. On the date on which the commission issues a final order on the general rate application, the commission shall issue a final order on the electric utility's application to clear its deferred accounts. The total rates to provide electric service that were in effect on April 1, 2001, for the electric utility must remain in effect until the date on which the commission issues a final order on the general rate application. The commission shall not adjust

the rates of the electric utility during this period unless such an adjustment is absolutely necessary to avoid rates that are confiscatory under the Constitution of the United States or the constitution of this state. The commission:

(a) May make such an adjustment only to the extent that it is absolutely necessary to avoid an unconstitutional result; and

(b) Shall not, in any proceedings concerning such an adjustment, approve any rate or grant any relief that is not absolutely necessary to avoid an unconstitutional result.

After the electric utility files the general rate application that is required by this subsection, the electric utility shall file general rate applications in accordance with subsection 3 of NRS 704.110, as amended by this act ~~[-]~~ and *Assembly Bill No. 661 of this session*. After the electric utility files the application to clear its deferred accounts that is required by this subsection, the electric utility shall file applications to clear its deferred accounts in accordance with section 19 of this act and subsection 7 of NRS 704.110, as amended by this act ~~[-]~~ and *Assembly Bill No. 661 of this session*.

6. On or before December 1, 2001, each electric utility that primarily serves less densely populated counties shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by this act ~~[-]~~ and *Assembly Bill No. 661 of this session*. On or before February 1, 2002, each electric utility that primarily serves less densely populated counties shall file an application to clear its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act ~~[-]~~ and *Assembly Bill No. 661 of this session*. After such an electric utility files the application to clear its deferred accounts, the commission shall investigate and determine whether the rates that the electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices. On the date on which the commission issues a final order on the general rate application, the commission shall issue a final order on the electric utility's application to clear its deferred accounts. The total rates to provide electric service that were in effect on April 1, 2001, for the electric utility must remain in effect until the date on which the commission issues a final order on the general rate application. The commission shall not adjust the rates of the electric utility during this period unless such an adjustment is absolutely necessary to avoid rates that are confiscatory under the Constitution of the United States or the constitution of this state. The commission:

(a) May make such an adjustment only to the extent that it is absolutely necessary to avoid an unconstitutional result; and

(b) Shall not, in any proceedings concerning such an adjustment, approve any rate or grant any relief that is not absolutely necessary to avoid an unconstitutional result.

After the electric utility files the general rate application that is required by this subsection, the electric utility shall file general rate applications in

accordance with subsection 3 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*. After the electric utility files the application to clear its deferred accounts that is required by this subsection, the electric utility shall file applications to clear its deferred accounts in accordance with section 19 of this act and subsection 7 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*.

Sec. 99. Section 36 of Assembly Bill No. 369 of this session is hereby amended to read as follows:

Sec. 36. Notwithstanding the provisions of any other specific statute to the contrary:

1. If, on or after January 1, 1999, and before the effective date of this act, an electric utility holding company entered into any transaction to acquire a controlling interest in a public utility that provides electric service primarily to customers located outside of this state, the electric utility holding company shall not carry out the transaction unless, on or after the effective date of this act:

(a) The electric utility holding company files with the commission an application for authorization of the transaction; and

(b) The commission issues a written order that authorizes the transaction. The commission shall not authorize the transaction unless the commission finds that the transaction will be in the public interest. The commission may base its authorization of the transaction upon such terms, conditions or modifications as the commission deems appropriate.

2. If the commission authorizes a transaction described in subsection 1 and, before July 1, 2003, the electric utility holding company acquires a controlling interest in such a public utility, or any affiliate thereof, pursuant to the transaction:

(a) Each electric utility in which the electric utility holding company holds a controlling interest shall not use deferred accounting pursuant to section 19 of this act on or after the date on which the electric utility holding company acquires a controlling interest in the public utility, or any affiliate thereof;

(b) Not later than 90 days after that date, each such electric utility shall file one final application to clear the remaining balance in its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act ~~[]~~ and *Assembly Bill No. 661 of this session*;

(c) For each such electric utility, the commission shall not carry out the provisions of section 35 of this act concerning deferred accounting and deferred accounts; and

(d) The commission shall carry out the remaining provisions of section 35 of this act, including, without limitation, the commission's investigation and determination whether the rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices.

3. Any transaction that violates the provisions of this section is void and unenforceable and is not valid for any purpose.

Sec. 100. Section 1 of Senate Bill No. 210 of this session is hereby amended to read as follows:

Section 1. NRS 704.033 is hereby amended to read as follows:

704.033 1. ~~[The]~~ *Except as otherwise provided in subsection 6, the commission shall levy and collect an annual assessment from all public utilities , providers of discretionary natural gas service and alternative sellers subject to the jurisdiction of the commission.*

2. Except as otherwise provided in ~~[subsection 3,]~~ *subsections 3 and 4, the annual assessment must be:*

(a) For the use of the commission, not more than 3.50 mills; and

(b) For the use of the consumer's advocate, not more than 0.75 mills, on each dollar of gross operating revenue derived from the intrastate operations of such utilities , *providers of discretionary natural gas service and alternative sellers* in the State of Nevada . ~~[except that the minimum assessment in any 1 year must be \$10.]~~ The total annual assessment must be not more than 4.25 mills.

3. ~~[For railroads the total annual assessment must be the amount levied for the use of the commission pursuant to paragraph (a) of subsection 2.]~~ The levy for the use of the consumer's advocate must not be assessed against railroads.

4. The minimum assessment in any 1 year must be \$100.

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) Telephone utilities, except as otherwise provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues . ~~[that are considered by the commission for the purpose of establishing rates.]~~

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, *providers of discretionary natural gas service and alternative sellers*, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility , *provider of discretionary natural gas service or alternative seller* for resale.

6. *Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the commission an annual licensing fee of \$200.*

Sec. 101. Section 2 of Senate Bill No. 210 of this session is hereby amended to read as follows:

Sec. 2. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 1 of each year, the commission shall mail revenue report forms to all public utilities , *providers of discretionary natural gas service and alternative sellers* under its jurisdiction, to the address of those utilities , *providers of discretionary natural gas service and alternative sellers* on file with the commission. The revenue report form serves as notice of the commission's intent to assess ~~[the utilities,]~~ *such entities*, but failure to

notify any ~~utility~~ *such entity* does not invalidate the assessment with respect thereto.

2. Each public utility , *provider of discretionary natural gas service and alternative seller* subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the commission accompanied by payment of the assessment and any penalty due, pursuant to the provisions of subsection 5.

3. The assessment is due on July 1 of each year, but may, at the option of the public utility, *provider of discretionary natural gas service or alternative seller* be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the utility , *provider of discretionary natural gas service or alternative seller* is subject to review and audit by the commission, and the amount of the assessment may be adjusted by the commission as a result of the audit and review.

5. Any public utility , *provider of discretionary natural gas service or alternative seller* failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment, a penalty of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent, or \$10, whichever is greater, but no penalty may exceed \$1,000 for each delinquent payment.

6. When a public utility , *provider of discretionary natural gas service or alternative seller* sells, transfers or conveys substantially all of its assets or , *if applicable*, its certificate of public convenience and necessity, the commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after the sale, transfer or conveyance, unless the transferee has assumed liability for the assessment. For purposes of this subsection , the jurisdiction of the commission over the selling, transferring or conveying public utility , *provider of discretionary natural gas service or alternative seller* continues until it has paid the assessment.

7. The commission may bring an appropriate action in its own name for the collection of any assessment and penalty which is not paid as provided in this section.

8. The commission shall, on a quarterly basis, transfer to the account for the consumer's advocate that portion of the assessments collected which belongs to the consumer's advocate.

Sec. 102. Section 6 of Senate Bill No. 372 of this session is hereby amended to read as follows:

Sec. 6. 1. "Provider of electric service" and "provider" mean any person or entity that is in the business of selling electricity to retail customers *for consumption* in this state, regardless of whether the person or entity is otherwise subject to regulation by the commission.

2. *The term includes, without limitation, a provider of new electric resources that is selling electricity to an eligible customer for consumption in*

this state pursuant to the provisions of sections 3 to 26, inclusive, of Assembly Bill No. 661 of this session.

3. The term does not include:

- (a) This state or an agency or instrumentality of this state.
- (b) A rural electric cooperative established pursuant to chapter 81 of NRS.
- (c) A general improvement district established pursuant to chapter 318 of NRS.

- (d) A utility established pursuant to chapter 709 or 710 of NRS.

- (e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

- (f) A landlord of a mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

- (g) *A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this state.*

Sec. 103. Section 8 of Senate Bill No. 372 of this session is hereby amended to read as follows:

Sec. 8. “Renewable energy system” means:

1. A facility or energy system that:

- (a) Uses renewable energy to generate electricity; and
- (b) Transmits or distributes the electricity that it generates from renewable energy via:

- (1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or

- (2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.

2. A solar thermal energy system that reduces the consumption of electricity.

3. *A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.*

Sec. 104. Section 9 of Senate Bill No. 372 of this session is hereby amended to read as follows:

Sec. 9. 1. “Retail customer” means ~~{a customer who}~~ *an end-use customer that purchases electricity* ~~{at retail;}~~ *for consumption in this state.*

2. The term includes, without limitation:

- (a) This state, a political subdivision of this state or an agency or instrumentality of this state or political subdivision of this state when it *is an end-use customer that purchases electricity* ~~{at retail; and}~~ *for consumption in this state, including, without limitation, when it is an eligible customer that purchases electricity for consumption in this state from a provider of new*

electric resources pursuant to the provisions of sections 3 to 26, inclusive, of Assembly Bill No. 661 of this session.

(b) A residential, commercial or industrial end-use customer that purchases electricity for consumption in this state, including, without limitation, an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of sections 3 to 26, inclusive, of Assembly Bill No. 661 of this session.

(c) A landlord of a mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

(d) A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this state.

Sec. 105. 1. NRS 523.171, 704.080, 704.090 and 704.275 are hereby repealed.

2. Section 2 of Assembly Bill No. 197 of this session is hereby repealed.

3. Section 10 of Assembly Bill No. 369 of this session is hereby repealed.

4. Section 4 of Senate Bill No. 372 of this session is hereby repealed.

Sec. 106. 1. For the purposes of sections 3 to 26, inclusive, of this act:

(a) An electric utility that provides distribution services to an eligible customer who is purchasing energy, capacity or ancillary services from a provider of new electric resources shall charge the eligible customer based upon the rates for the electric utility's distribution services that were on file with the commission on April 1, 2001, until the commission approves a change in those rates and such a change becomes effective.

(b) Not later than March 1, 2002, the commission shall establish the initial rates for all other components of electric service which are within the jurisdiction of the commission and which are necessary for a provider of new electric resources to sell energy, capacity and ancillary services to an eligible customer pursuant to the provisions of sections 3 to 26, inclusive, of this act. The commission may establish such initial rates as a part of a general rate application that is pending or filed with the commission on or after the effective date of this act.

2. The commission shall:

(a) Not later than November 1, 2001, adopt regulations to carry out and enforce the provisions of sections 3 to 26, inclusive, of this act.

(b) Not later than March 1, 2002, approve tariffs to carry out and enforce the provisions of section 22 of this act.

3. Notwithstanding the provisions of section 25 of this act, the commission is not required to submit a report to the legislative commission for any calendar quarter that ends before October 1, 2001.

4. As used in this section, the words and terms defined in sections 4 to 16, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 107. 1. As soon as practicable after July 1, 2003, the governor shall appoint two additional commissioners to the public utilities commission of Nevada in accordance with the provisions of section 28 of this act. For the initial terms of those commissioners, the governor shall appoint:

(a) One commissioner whose term begins on October 1, 2003, and expires on September 30, 2005; and

(b) One commissioner whose term begins on October 1, 2003, and expires on September 30, 2006.

2. The provisions of this act do not abrogate or affect the term of office of any other commissioner of the public utilities commission of Nevada.

Sec. 108. 1. The provisions of section 54 of this act do not apply to any transaction entered into by a local governmental entity before January 1, 2002, to acquire or otherwise obtain control of the assets of a public utility providing water services.

2. As used in this section:

(a) “Assets” includes, without limitation, any hydroelectric plant, facility, equipment or system which has a generating capacity of not more than 15 megawatts and which is located on the Truckee River or on a waterway that is appurtenant to or connected to the Truckee River.

(b) “Local governmental entity” means a political subdivision of this state or an agency or instrumentality of one or more political subdivisions of this state. The term includes, without limitation, a public water authority consisting of one or more political subdivisions of this state.

Sec. 109. 1. As soon as practicable after the effective date of this act, the appointing authorities set forth in section 84 of this act shall appoint members to the task force for renewable energy and energy conservation which is created by section 84 of this act.

2. At the first meeting of the task force following the appointment of the initial members of the task force, the initial members of the task force shall draw lots to determine which:

(a) Five members of the task force will serve initial terms that expire on June 30, 2004.

(b) Four members of the task force will serve initial terms that expire on June 30, 2003.

3. Not later than 10 days after the first meeting of the task force following the appointment of the initial members of the task force, the public utilities commission of Nevada shall transfer the sum of \$250,000 from its reserve account in the public utilities commission regulatory fund, created by NRS 703.147, to the trust fund for renewable energy and energy conservation, created by section 83 of this act.

Sec. 110. 1. Notwithstanding the provisions of this act and except as otherwise provided in subsection 2, the department of business and industry and its director shall exercise all the power and perform all the duties that are assigned to the office of energy and its director pursuant to the provisions of chapter 523 of NRS, as amended by this act, until the date on which the

governor certifies that the office of energy and its director are prepared to carry out those provisions, or until January 1, 2002, whichever occurs earlier.

2. During the period described in subsection 1, the office of energy and its director may exercise any power and perform any duty assigned to them pursuant to the provisions of chapter 523 of NRS, as amended by this act, if the exercise of the power or the performance of the duty is necessary as an organizational, preparatory or preliminary measure to prepare the office of energy and its director to carry out those provisions.

Sec. 111. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 112. 1. This section and sections 1 to 27, inclusive, 30 to 94, inclusive, 96 to 111, inclusive, and 113 of this act become effective upon passage and approval.

2. Section 95 of this act becomes effective on July 1, 2001.

3. Sections 28 and 29 of this act become effective on October 1, 2003.

Sec. 113. 1. The legislative counsel shall:

(a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

(b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

2. Any reference in a bill or resolution passed by the 71st session of the Nevada legislature to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency shall be deemed to refer to the officer or agency to which the responsibility is transferred.

TEXT OF REPEALED SECTIONS

523.171 Information and assistance to state agencies. The director, in cooperation with the chief of the buildings and grounds division of the department of administration, shall, upon request, provide information and assistance to any agency, bureau, board, commission, department or division which is engaged in the management, planning, utilization and distribution of energy.

704.080 Printing and posting of schedules. A copy, or so much of the schedule as the commission shall deem necessary for the use of the public, shall be printed in plain type and posted in every station or office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and conveniently inspected.

704.090 Schedule of joint rates: Filing; printing; posting. When a schedule of joint rates or charges is or may be in force between two or more public utilities, such schedule shall, in like manner, be printed and filed with the commission, and so much thereof as the commission may deem necessary for the use of the public shall be posted conspicuously in every station or office as provided in NRS 704.080.

704.275 Powers of commission: Standards for requiring hearing on telephone rates. The commission shall determine whether a hearing must be held when the proposed change by a public utility furnishing telephone service in any schedule stating a new or revised individual or joint rate or charge, or any new or revised individual or joint regulation or practice affecting any rate or charge, will result in an increase in annual gross revenue as certified by the applicant of \$50,000 or 10 percent of the applicant's gross revenue, whichever is less.

Section 2 of Assembly Bill No. 197 of this session:

Sec. 2. NRS 704.965 is hereby amended to read as follows:

704.965 As used in NRS 704.965 to 704.990, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.966 to 704.975, inclusive, have the meanings ascribed to them in those sections.

Section 10 of Assembly Bill No. 369 of this session:

Sec. 10. *"Consumer's advocate" means the consumer's advocate of the bureau of consumer protection in the office of the attorney general.*

Section 4 of Senate Bill No. 372 of this session:

Sec. 4. *"Biomass" means any organic matter that is available on a renewable basis, including, without limitation:*

1. *Agricultural crops and agricultural wastes and residues;*
2. *Wood and wood wastes and residues;*
3. *Animal wastes;*
4. *Municipal wastes; and*
5. *Aquatic plants."*

Amend the title of the bill to read as follows:

“AN ACT relating to energy; authorizing certain eligible customers to purchase electrical energy, capacity and certain ancillary services from providers of new electric resources; revising and repealing various provisions concerning the regulation of public utilities and the process of establishing and changing rates; expanding the public utilities commission of Nevada from three to five members; revising the authority of the commission to regulate mergers, acquisitions and certain other transactions involving public utilities and other entities; making various changes with respect to net metering; authorizing the director of the department of business and industry to issue industrial development revenue bonds for certain renewable energy generation projects; creating the task force for renewable energy and energy conservation and prescribing its membership and duties; creating the trust fund for renewable energy and energy conservation; creating the office of energy within the office of the governor; transferring control of the Nevada state energy office from the director of the department of business and industry to the office of energy within the office of the governor; requiring certain lodging establishments to include certain information concerning energy costs on their statement of rates; and providing other matters properly relating thereto.”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 1231 to Assembly Bill No. 661.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1159.

Amend sec. 18, page 4, by deleting lines 39 and 40 and inserting: “*electric utilities. Such agreements, without limitation:*

(a) *May include agreements to construct or install*”.

Amend sec. 18, page 5, line 5, by deleting “*purposes*” and inserting: “*purposes, sold at wholesale by such parties*”.

Amend the bill as a whole by deleting sections 27 through 131 and the text of repealed sections and adding new sections designated sections 27 through 36 and the text of repealed sections, following sec. 26, to read as follows:

“Sec. 27. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

“*Biomass*” means any organic matter that is available on a renewable basis, including, without limitation:

1. *Agricultural crops and agricultural wastes and residues;*
2. *Wood and wood wastes and residues;*
3. *Animal wastes;*
4. *Municipal wastes; and*
5. *Aquatic plants.*

Sec. 28. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.010 to 704.030, inclusive, and section 27 of this act have the meanings ascribed to them in those sections.

Sec. 29. Section 1 of Assembly Bill No. 197 of this session is hereby amended to read as follows:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *On and after October 1, 2001, each electric utility shall disclose to its retail customers information about electric services, and any products and services relating thereto, that are being provided to or purchased for those retail customers by the electric utility. The disclosure must:*

(a) *Be in a standard, uniform format established by the commission by regulation;*

(b) *Be included:*

(1) *At least two times each calendar year, as an insert in the bills that the electric utility sends to its retail customers; and*

(2) *If the electric utility maintains a website on the Internet or any successor to the Internet, on that website; and*

(c) *Include adequate information so that a retail customer can readily evaluate his options for obtaining electric services or any products or services relating thereto.*

2. *A disclosure required by this section must include, if applicable:*

(a) *The average mix of energy sources used to generate the electricity sold by the electric utility to the retail customer. An electric utility may, if available, use a regional average that has been determined by the commission for that portion of electricity sold by the electric utility to the retail customer for which the specific mix of energy sources cannot be discerned.*

(b) *The average emissions, measured in pounds per megawatt-hour, of:*

(1) *Any high-level radioactive waste, sulfur dioxide, carbon dioxide, oxides of nitrogen and heavy metals released in this state from the generation of the electricity sold by the electric utility to the retail customer; and*

(2) *Any other substances released in this state from the generation of the electricity sold by the electric utility to the retail customer which the commission, in cooperation with the division of environmental protection of the state department of conservation and natural resources, determines may cause a significant health or environmental impact and for which sufficiently accurate and reliable data is available.*

If an electric utility uses a regional average for the mix of energy sources pursuant to paragraph (a), the electric utility shall, if available, use for the average emissions pursuant to this paragraph a regional calculation that has been determined by the commission.

(c) *Information concerning customer service.*

(d) Information concerning any energy programs that provide assistance to retail customers with low incomes, including, without limitation, information on the procedures to apply for such programs.

3. An electric utility:

(a) Shall make the disclosures required pursuant to this section in accordance with the requirements adopted by the commission as to form and substance; and

(b) Shall ensure that it provides the information in compliance with all applicable state and federal law governing unfair advertising and labeling.

4. The commission shall adopt such regulations concerning form and substance for the disclosures required by this section as are necessary to ensure that retail customers are provided with sufficient information so that they can readily evaluate their options for obtaining electric services and any products and services relating thereto.

5. The provisions of this section do not require an electric utility to disclose to its retail customers any information about electric services, and any products and services relating thereto, that are subject to the provisions of sections 3 to 26, inclusive, of Assembly Bill No. 661 of this session.

6. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in section 19 of Assembly Bill No. 369 of this session.

(b) "Energy source" includes, without limitation:

(1) Coal, natural gas, oil, propane and any other fossil fuel;

(2) Geothermal energy, solar energy, hydroelectric energy, nuclear energy, wind, biofuel and biomass; and

(3) Any other specific energy source that is used to generate the electricity provided to the retail customer.

Sec. 30. Assembly Bill No. 369 of this session is hereby amended by adding thereto a new section designated sec. 15.5, following sec. 15, to read as follows:

Sec. 15.5. The provisions of sections 8 to 18, inclusive, of this act do not prohibit an electric utility from pledging, mortgaging, granting a security interest in or otherwise encumbering any of its generation assets or other property for the purpose of securing indebtedness of the electric utility which exists on the effective date of this act or which is issued or incurred by the electric utility after the effective date of this act in financing transactions approved by the commission.

Sec. 31. Section 35 of Assembly Bill No. 369 of this session is hereby amended to read as follows:

Sec. 35. Except as otherwise provided in section 36 of this act and notwithstanding the provisions of any other specific statute to the contrary:

1. An electric utility shall not file an application for a fuel and purchased power rider on or after the effective date of this act.

2. Each application for a fuel and purchased power rider filed by an electric utility which is pending with the commission on the effective date of

this act and which the electric utility did not place into effect before or on April 1, 2001, is void and unenforceable and is not valid for any purpose after April 1, 2001.

3. If, before March 1, 2001, an electric utility incurred any costs for fuel or purchased power, including, without limitation, any costs for fuel or purchased power recorded or carried on the books and records of the electric utility, and those costs were not recovered or could not be recovered pursuant to a fuel and purchased power rider placed into effect by the electric utility before March 1, 2001, the electric utility is not entitled, on or after March 1, 2001, to recover any of those costs for fuel or purchased power from customers, and the commission shall not allow the electric utility to recover any of those costs for fuel or purchased power from customers.

4. Except as otherwise provided in this section, on and after the effective date of this act:

(a) The commission shall not take any further action on the comprehensive energy plan, and each electric utility that jointly filed the comprehensive energy plan shall be deemed to have withdrawn the comprehensive energy plan;

(b) The rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan shall be deemed to be a component of the electric utility's rates for fuel and purchased power; and

(c) The revenues ~~collected~~ *for services provided* by each electric utility ~~before April 1, 2001, for the period of March 1, 2001, to March 31, 2001, inclusive,~~ from the rates that each electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan shall be deemed to be a credit in the electric utility's deferred accounts.

5. On or before October 1, 2001, each electric utility that primarily serves densely populated counties shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by this act. On or before December 1, 2001, each electric utility that primarily serves densely populated counties shall file an application to clear its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act. After such an electric utility files the application to clear its deferred accounts, the commission shall investigate and determine whether the rates that the electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices. On the date on which the commission issues a final order on the general rate application, the commission shall issue a final order on the electric utility's application to clear its deferred accounts. The total rates to provide electric service that were in effect on April 1, 2001, for the electric utility must remain in effect until the date on which the commission issues a final order on the general rate application. The commission shall not adjust the rates of the electric utility during this period unless such an adjustment is absolutely necessary to avoid rates that are confiscatory under the Constitution of the United States or the constitution of this state. The commission:

(a) May make such an adjustment only to the extent that it is absolutely necessary to avoid an unconstitutional result; and

(b) Shall not, in any proceedings concerning such an adjustment, approve any rate or grant any relief that is not absolutely necessary to avoid an unconstitutional result.

After the electric utility files the general rate application that is required by this subsection, the electric utility shall file general rate applications in accordance with subsection 3 of NRS 704.110, as amended by this act. After the electric utility files the application to clear its deferred accounts that is required by this subsection, the electric utility shall file applications to clear its deferred accounts in accordance with section 19 of this act and subsection 7 of NRS 704.110, as amended by this act.

6. On or before December 1, 2001, each electric utility that primarily serves less densely populated counties shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by this act. On or before February 1, 2002, each electric utility that primarily serves less densely populated counties shall file an application to clear its deferred accounts pursuant to subsection 7 of NRS 704.110, as amended by this act. After such an electric utility files the application to clear its deferred accounts, the commission shall investigate and determine whether the rates that the electric utility placed into effect on March 1, 2001, pursuant to the comprehensive energy plan are just and reasonable and reflect prudent business practices. On the date on which the commission issues a final order on the general rate application, the commission shall issue a final order on the electric utility's application to clear its deferred accounts. The total rates to provide electric service that were in effect on April 1, 2001, for the electric utility must remain in effect until the date on which the commission issues a final order on the general rate application. The commission shall not adjust the rates of the electric utility during this period unless such an adjustment is absolutely necessary to avoid rates that are confiscatory under the Constitution of the United States or the constitution of this state. The commission:

(a) May make such an adjustment only to the extent that it is absolutely necessary to avoid an unconstitutional result; and

(b) Shall not, in any proceedings concerning such an adjustment, approve any rate or grant any relief that is not absolutely necessary to avoid an unconstitutional result.

After the electric utility files the general rate application that is required by this subsection, the electric utility shall file general rate applications in accordance with subsection 3 of NRS 704.110, as amended by this act. After the electric utility files the application to clear its deferred accounts that is required by this subsection, the electric utility shall file applications to clear its deferred accounts in accordance with section 19 of this act and subsection 7 of NRS 704.110, as amended by this act.

Sec. 32. Section 6 of Senate Bill No. 372 of this session is hereby amended to read as follows:

Sec. 6. 1. “Provider of electric service” and “provider” mean any person or entity that is in the business of selling electricity to retail customers *for consumption* in this state, regardless of whether the person or entity is otherwise subject to regulation by the commission.

2. *The term includes, without limitation, a provider of new electric resources that is selling electricity to an eligible customer for consumption in this state pursuant to the provisions of sections 3 to 26, inclusive, of Assembly Bill No. 661 of this session.*

3. The term does not include:

- (a) This state or an agency or instrumentality of this state.
- (b) A rural electric cooperative established pursuant to chapter 81 of NRS.
- (c) A general improvement district established pursuant to chapter 318 of NRS.
- (d) A utility established pursuant to chapter 709 or 710 of NRS.
- (e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.
- (f) A landlord of a mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.
- (g) *A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this state.*

Sec. 33. Section 9 of Senate Bill No. 372 of this session is hereby amended to read as follows:

Sec. 9. 1. “Retail customer” means ~~[a customer who]~~ *an end-use customer that purchases electricity* ~~[at retail]~~ *for consumption in this state.*

2. The term includes, without limitation:

- (a) This state, a political subdivision of this state or an agency or instrumentality of this state or political subdivision of this state when it *is an end-use customer that purchases electricity* ~~[at retail; and]~~ *for consumption in this state, including, without limitation, when it is an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of sections 3 to 26, inclusive, of Assembly Bill No. 661 of this session.*
- (b) *A residential, commercial or industrial end-use customer that purchases electricity for consumption in this state, including, without limitation, an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of sections 3 to 26, inclusive, of Assembly Bill No. 661 of this session.*
- (c) A landlord of a mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

(d) A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this state.

Sec. 34. 1. Section 2 of Assembly Bill No. 197 of this session is hereby repealed.

2. Section 4 of Senate Bill No. 372 of this session is hereby repealed.

Sec. 35. 1. For the purposes of sections 3 to 26, inclusive, of this act:

(a) An electric utility that provides distribution services to an eligible customer who is purchasing energy, capacity or ancillary services from a provider of new electric resources shall charge the eligible customer based upon the rates for the electric utility's distribution services that were on file with the commission on April 1, 2001, until the commission approves a change in those rates and such a change becomes effective.

(b) Not later than March 1, 2002, the commission shall establish the initial rates for all other components of electric service which are within the jurisdiction of the commission and which are necessary for a provider of new electric resources to sell energy, capacity and ancillary services to an eligible customer pursuant to the provisions of sections 3 to 26, inclusive, of this act. The commission may establish such initial rates as a part of a general rate application that is pending or filed with the commission on or after the effective date of this act.

2. The commission shall:

(a) Not later than November 1, 2001, adopt regulations to carry out and enforce the provisions of sections 3 to 26, inclusive, of this act.

(b) Not later than March 1, 2002, approve tariffs to carry out and enforce the provisions of section 22 of this act.

3. Notwithstanding the provisions of section 25 of this act, the commission is not required to submit a report to the legislative commission for any calendar quarter that ends before October 1, 2001.

4. As used in this section, the words and terms defined in sections 4 to 16, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 36. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

Section 2 of Assembly Bill No. 197 of this session:

Sec. 2. NRS 704.965 is hereby amended to read as follows:

704.965 As used in NRS 704.965 to 704.990, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.966 to 704.975, inclusive, have the meanings ascribed to them in those sections.

Section 4 of Senate Bill No. 372 of this session:

Sec. 4. *"Biomass" means any organic matter that is available on a renewable basis, including, without limitation:*

1. *Agricultural crops and agricultural wastes and residues;*

2. *Wood and wood wastes and residues;*
3. *Animal wastes;*
4. *Municipal wastes; and*
5. *Aquatic plants.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to energy; authorizing certain eligible customers to purchase electrical energy, capacity and certain ancillary services from providers of new electric resources; revising and repealing various provisions concerning the regulation of public utilities; and providing other matters properly relating thereto.”.

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 1159 to Assembly Bill No. 661.

Remarks by Assemblyman Bache.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1262 to Senate Bill No. 193; Assembly Amendment No. 1261 to Senate Bill No. 445; Assembly Amendment No. 1260 to Senate Bill No. 518; Assembly Amendment No. 1238 to Senate Joint Resolution No. 20 of the 70th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Senate Bills Nos. 171, 303; Assembly Bill No. 653.

MARY JO MONGELLI

Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 75.

Bill read third time.

Roll call on Assembly Bill No. 75:

YEAS—39.

NAYS—None.

EXCUSED—Neighbors

ABSENT—Arberry, Humke—2.

Assembly Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Roll call on Senate Bill No. 148:

YEAS—40.

NAYS—None.

EXCUSED—Neighbors.

ABSENT—Humke.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 277.

Bill read third time.

Roll call on Senate Bill No. 277:

YEAS—39.

NAYS—None.

NOT VOTING—Carpenter.

EXCUSED—Neighbors.

ABSENT—Humke.

Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 230.

Bill read third time.

Roll call on Assembly Bill No. 230:

YEAS—40.

NAYS—None.

EXCUSED—Neighbors.

ABSENT—Humke.

Assembly Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Roll call on Assembly Bill No. 346:

YEAS—40.

NAYS—None.

EXCUSED—Neighbors.

ABSENT—Humke.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Roll call on Assembly Bill No. 403:

YEAS—40.

NAYS—None.

EXCUSED—Neighbors.

ABSENT—Humke.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 594.

Bill read third time.

Roll call on Assembly Bill No. 594:

YEAS—40.

NAYS—None.

EXCUSED—Neighbors.

ABSENT—Humke.

Assembly Bill No. 594 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 459.

Bill read third time.

Roll call on Senate Bill No. 459:

YEAS—41.

NAYS—None.

EXCUSED—Neighbors.

Senate Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:34 a.m.

ASSEMBLY IN SESSION

At 12:54 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Senate Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 394 and appointed Senators James, Amodei and Wiener as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 394.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 5, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1238 to Senate Joint Resolution No. 20 of the 70th Session.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 109 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Anderson moved that the action whereby Assembly Amendment No. 714 to Senate Bill No. 366 was adopted be rescinded.

Motion carried.

Assemblyman Anderson moved that all rules be suspended and the reprinting of Senate Bill No. 366 be dispensed with, the Chief Clerk be authorized to remove Amendment No. 714, and the bill be placed on third reading and final passage.

Motion carried unanimously.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 286, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA42, which is attached to and hereby made a part of this report.

KATHY MCCLAIN

DON GUSTAVSON

JERRY D. CLABORN

Assembly Conference Committee

MAURICE E. WASHINGTON

VALERIE WIENER

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA42.

Amend the bill as a whole by renumbering sections 3 through 11 as sections 13 through 21 and adding news section designated sections 3 through 12, following sec. 2, to read as follows:

“Sec. 3. NRS 179D.710 is hereby amended to read as follows:

179D.710 1. The attorney general shall ~~consult with the advisory council for community notification and shall establish guidelines and procedures~~ *adopt regulations* for community notification pursuant to NRS 179D.600 to 179D.800, inclusive.

2. The ~~guidelines and procedures established~~ *regulations adopted* by the attorney general must be designed to promote, to the extent practicable,

the uniform application of the provisions of NRS 179D.600 to 179D.800, inclusive.

3. The provisions of NRS 179D.600 to 179D.800, inclusive, must not be construed to prevent law enforcement officers from providing the public with notification concerning persons who pose a threat to the safety of the public.

Sec. 4. NRS 179D.720 is hereby amended to read as follows:

179D.720 1. Except as otherwise provided in subsection 5, the attorney general shall ~~[establish guidelines and procedures]~~ *adopt regulations* for assessing the risk of recidivism of each sex offender who resides within this state and each nonresident sex offender who is a student or worker within this state.

2. The ~~[guidelines and procedures]~~ *regulations adopted* must identify and incorporate factors relevant to the risk of recidivism of the sex offender, including, but not limited to:

(a) Conditions of release that minimize the risk of recidivism, including probation or parole, counseling, therapy or treatment;

(b) Physical conditions that minimize the risk of recidivism, including advanced age or debilitating illness; and

(c) Any criminal history of the sex offender indicative of a high risk of recidivism, including, but not limited to:

(1) Whether the conduct of the sex offender was found to be characterized by repetitive and compulsive behavior;

(2) Whether the sex offender committed the sexual offense against a child;

(3) Whether the sexual offense involved the use of a weapon, violence or infliction of serious bodily injury;

(4) The number, date and nature of prior offenses;

(5) Whether psychological or psychiatric profiles indicate a risk of recidivism;

(6) The response of the sex offender to treatment;

(7) Any recent threats against a person or expressions of intent to commit additional crimes; and

(8) Behavior while confined.

3. The assessment of the risk of recidivism of a sex offender may be based upon information concerning the sex offender obtained from agencies of this state and agencies from other jurisdictions.

4. Each person who is conducting the assessment must be given access to all records of the sex offender that are necessary to conduct the assessment, and the sex offender shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the assessment.

5. The attorney general may provide in the ~~[guidelines and procedures]~~ *regulations* for a provisional waiver of the assessment of the risk of recidivism of any nonresident sex offender who is not likely to be a student or worker within this state for more than 30 consecutive days and who is not

likely to pose a substantial threat to the safety of the public. If a nonresident sex offender is granted such a provisional waiver, the nonresident sex offender:

(a) Shall be deemed to be assigned provisionally a Tier 1 level of notification; and

(b) May be assessed and assigned any other level of notification pursuant to the provisions of NRS 179D.600 to 179D.800, inclusive, and the ~~[guidelines and procedures]~~ *regulations* for community notification ~~[established]~~ *adopted* by the attorney general if, at any time during the period of the provisional waiver, there is any cause to believe that the nonresident sex offender will be a student or worker within this state for an extended period or that he poses a threat to the safety of the public.

Sec. 5. NRS 179D.730 is hereby amended to read as follows:

179D.730 1. Except as otherwise provided in this section, the ~~[guidelines and procedures]~~ *regulations* for community notification ~~[established]~~ *adopted* by the attorney general must provide for the following levels of notification, depending upon the risk of recidivism of the sex offender:

(a) If the risk of recidivism is low, the sex offender must be assigned a Tier 1 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall notify other law enforcement agencies that are likely to encounter the sex offender.

(b) If the risk of recidivism is moderate, the sex offender must be assigned a Tier 2 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraph (a) and shall notify schools and religious and youth organizations that are likely to encounter the sex offender.

(c) If the risk of recidivism is high, the sex offender must be assigned a Tier 3 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraphs (a) and (b) and shall notify the public through means designed to reach members of the public who are likely to encounter the sex offender.

2. If the sex offender is assigned a Tier 2 or Tier 3 level of notification and the sex offender has committed a sexual offense against a person less than 18 years of age, the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide the appropriate notification for Tier 2 or Tier 3 and, in addition, shall notify:

(a) Motion picture theaters, other than adult motion picture theaters, which are likely to encounter the sex offender; and

(b) Businesses which are likely to encounter the sex offender and which primarily have children as customers or conduct events that primarily children attend. Notification pursuant to this subsection must include a copy of a photograph of the sex offender. As used in paragraph (a), "adult motion picture theater" has the meaning ascribed to it in NRS 278.0221.

3. If the sex offender has been declared to be a sexually violent predator, the sex offender must be assigned a Tier 3 level of notification.

Sec. 6. NRS 179D.750 is hereby amended to read as follows:

179D.750 1. Except as otherwise provided in subsection 5 of NRS 179D.720, if a sex offender has been assigned a level of notification pursuant to NRS 179D.600 to 179D.800, inclusive, and the sex offender:

(a) Is convicted of an offense that poses a threat to the safety or well-being of others;

(b) Annoys, harasses, threatens or intimidates a victim of one of his sexual offenses; or

(c) Commits an overt act which is sexually motivated or involves the use or threatened use of force or violence and which causes harm or creates a reasonable apprehension of harm,

the level of notification assigned to the sex offender may be changed in accordance with the ~~[guidelines and procedures established]~~ *regulations adopted* by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

2. As used in this section:

(a) “Sexual offense” includes, but is not limited to, a sexual offense punishable as a misdemeanor or gross misdemeanor.

(b) “Sexually motivated” means that one of the purposes for which the person committed the act was his sexual gratification.

Sec. 7. NRS 179D.770 is hereby amended to read as follows:

179D.770 The law enforcement agency in whose jurisdiction a sex offender resides or is a student or worker shall disclose information regarding the sex offender to the appropriate persons pursuant to the ~~[guidelines and procedures established]~~ *regulations adopted* by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

Sec. 8. NRS 179D.800 is hereby amended to read as follows:

179D.800 1. The attorney general shall ~~[establish guidelines and procedures]~~ *adopt regulations* for community notification concerning juvenile sex offenders who are subject to the provisions of NRS 62.500 to 62.600, inclusive. The ~~[guidelines and procedures]~~ *regulations* for community notification concerning juvenile sex offenders must be, to the extent practicable, consistent with the ~~[guidelines and procedures]~~ *regulations* for community notification concerning adult sex offenders ~~[established]~~ *adopted* by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

2. Upon receiving notification from a probation officer assigned to a juvenile sex offender pursuant to NRS 62.500 to 62.600, inclusive, the local law enforcement agency receiving the notification shall disclose information regarding the juvenile sex offender to the appropriate persons pursuant to the ~~[guidelines and procedures established]~~ *regulations adopted* by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

3. Each person who is conducting an assessment of the risk of recidivism of a juvenile sex offender must be given access to all records of the juvenile sex offender that are necessary to conduct the assessment, including, but not limited to, records compiled pursuant to chapter 62 of NRS, and the juvenile sex offender shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the assessment.

Sec. 9. NRS 62.520 is hereby amended to read as follows:

62.520 “Community notification” means notification of a community pursuant to the ~~[guidelines and procedures established]~~ *regulations adopted* by the attorney general for juvenile sex offenders pursuant to NRS 179D.800.

Sec. 10. NRS 62.570 is hereby amended to read as follows:

62.570 1. In addition to the options set forth in NRS 62.211 and 62.213 and in addition to any other requirements set forth in this chapter, if a child is adjudicated delinquent for an act that, if committed by an adult, would be a sexual offense, the court shall:

(a) Notify the attorney general of the adjudication, so the attorney general may arrange for the assessment of the risk of recidivism of the child pursuant to the ~~[guidelines and procedures]~~ *regulations* for community notification;

(b) Place the child under the supervision of a probation officer until the child reaches 21 years of age or is no longer subject to community notification as a juvenile sex offender pursuant to NRS 62.500 to 62.600, inclusive;

(c) Inform the child and the parents or guardians of the child that the child is subject to community notification as a juvenile sex offender and may be subject to registration and community notification as an adult sex offender pursuant to NRS 62.590; and

(d) Order the child, and the parents or guardians of the child during the minority of the child, to inform the probation officer assigned to the child of a change of the address at which the child resides not later than 48 hours after the change of address.

2. The court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of NRS 62.500 to 62.600, inclusive, until the child reaches 21 years of age or is no longer subject to community notification as a juvenile sex offender pursuant to NRS 62.500 to 62.600, inclusive.

Sec. 10.5. NRS 205A.060 is hereby amended to read as follows:

205A.060 The board shall:

1. Facilitate cooperation between state, local and federal officers in detecting, investigating and prosecuting technological crimes.

2. Establish two multi-agency task forces on technological crime, one based in Reno for northern Nevada and one based in Las Vegas for southern Nevada, consisting of:

(a) Investigators and prosecutors who are specifically trained to investigate and prosecute technological crimes; and

(b) Persons from the private sector who are knowledgeable in the area of information technology or the prevention or detection of technological crimes.

3. Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning the statistics and methods of technological crimes and how to prevent and detect technological crimes.

4. Administer, with the assistance of members of private industry, a program to secure governmental information systems against illegal intrusions and other criminal activities.

5. Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques.

6. Authorize the payment of expenses incurred by the board in carrying out its duties pursuant to this chapter.

7. *Submit a report of its findings and recommendations to the legislature before each regular session.*

Sec. 11. NRS 209.011 is hereby amended to read as follows:

209.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~{209.015}~~ 209.021 to 209.085, inclusive, have the meanings ascribed to them in those sections.

Sec. 12. NRS 209.459 is hereby amended to read as follows:

209.459 The director shall , ~~{present the recommendations of the advisory board on industrial programs to the board of state prison commissioners and,}~~ with the approval of the board , ~~{of state prison commissioners,}~~ establish and carry out a program for the employment of offenders in services and manufacturing conducted by institutions of the department or by private employers.”.

Amend sec. 3, page 2, by deleting line 36 and inserting:
“provisions set forth as sections 14 to 19, inclusive, of this act”.

Amend sec. 4, page 2, by deleting line 37 and inserting:

“Sec. 4. *As used in sections 14 to 19, inclusive, of this act, unless the*”.

Amend sec. 5, page 3, by deleting line 8 and inserting:

“*of 14 members who are appointed for terms of 2 years commencing on*”.

Amend sec. 5, page 3, between lines 37 and 38, by inserting:

“(l) *One member who is a representative of the office of the attorney general.*”.

Amend sec. 5, page 3, line 38, by deleting “(l)” and inserting “(m)”.

Amend the bill as a whole by deleting sec. 10 and adding a new section designated sec. 20, following sec. 9, to read as follows:

“Sec. 20. NRS 176.0121, 176.0123, 176.0125, 176.0127, 179D.700, 209.4813 and 209.4815 are hereby repealed.”.

Amend the leadlines of repealed sections by adding the leadlines of NRS 179D.700, 209.4813 and 209.4814.

Amend the title of the bill to read as follows:

“AN ACT relating to criminal justice; establishing the legislative committee on criminal justice; eliminating the advisory commission on sentencing, the advisory council for community notification and the advisory board on industrial programs and amending various provisions relating thereto; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 286.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker:

The second Conference Committee concerning Senate Bill No. 303, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA30, which is attached to and hereby made a part of this report.

VONNE S. CHOWNING
KATHY MCCLAIN
GREG BROWER

Assembly Conference Committee

WILLIAM R. O'DONNELL
MAURICE E. WASHINGTON
MAGGIE CARLTON

Senate Conference Committee

Conference Amendment No. CA30.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as section 1, and adding a new section designated sec. 2, following sec. 2, to read as follows:

“Sec. 2. NRS 485.186 is hereby amended to read as follows:

485.186 1. Except as otherwise provided in subsection ~~[6.]~~ 7, any natural person may satisfy the requirements of NRS 485.185 by obtaining, in lieu of an owner's policy of liability insurance, an operator's policy of liability insurance which meets the requirements of this section and NRS 485.3091.

2. *An operator's policy of liability insurance may only be issued to a person if:*

(a) *The number of motor vehicles that he owns is greater than the number of persons in his household who possess a driver's license; and*

(b) *Each person in his household who possesses a driver's license is covered by an operator's policy of liability insurance.*

3. An operator's policy of liability insurance must state, in addition to the requirements of NRS 485.3091, that:

(a) The insurer is only liable under the policy for liability incurred by the insured while the named insured is the operator of a motor vehicle or while a motor vehicle owned by the insured is not being operated by any person;

(b) The policy does not provide coverage for any vicarious liability imposed on the owner of the motor vehicle as a result of the operation by another person of a motor vehicle owned by the insured or for any liability imposed by NRS 41.440 or 483.300; and

(c) The coverage provided by the policy may not meet the requirements of the financial responsibility laws of other states, unless such extended coverage is expressly included in the policy. No operator's policy of liability insurance may be delivered or issued for delivery in this state unless the insured has signed an endorsement stating that he has read and understood the policy and its limitations.

~~{3-}~~ 4. An owner of a motor vehicle which is registered or required to be registered in this state and who holds an operator's policy of liability insurance shall not permit another person to operate his motor vehicle if the owner knows or should have known that the person does not have liability insurance to cover his own operation of that motor vehicle.

~~{4-}~~ 5. An operator's policy of liability insurance must not provide coverage for damages incurred while a person other than the named insured is operating a motor vehicle.

~~{5-}~~ 6. An operator's policy of liability insurance must provide coverage for liability incurred by the insured while a motor vehicle owned by the insured is not being operated by any person.

~~{6-}~~ 7. This section does not apply to a lessor, dealer, manufacturer, rebuilder or distributor of a motor vehicle, an owner of a fleet, a common, contract or private motor carrier or any other employer who owns a motor vehicle for use in his business.”.

Amend the bill as a whole by deleting sections 3 through 8 and renumbering sections 9 and 10 as sections 3 and 4.

Amend sec. 10, page 8, lines 4, 17 and 22, by deleting: “*subsection 2 of*”.

Amend sec. 10, page 8, line 23, by deleting the bracket and strike-through.

Amend sec. 10, page 8, by deleting line 24 and inserting: “has not maintained the insurance required by NRS 485.185.”

Amend sec. 10, page 8, line 25, by deleting “*vehicle*.”.

Amend sec. 10, page 8, lines 26 and 27, by deleting “[~~for operator's~~]” and inserting “or operator's”.

Amend sec. 10, page 9, line 48, by deleting “4” and inserting “~~{4-}~~ 5.”

Amend sec. 10, page 10, line 13, by deleting “10.” and inserting “~~{9-}~~ 10.”.

Amend the bill as a whole by deleting sections 11 and 12 and renumbering sec. 13 as sec. 5.

Amend sec. 13, page 11, by deleting lines 46 through 49 and inserting:

“Sec. 5. 1. This section and section 3 of this act become effective on July 1, 2001.

2. Sections 2 and 4 of this act become effective on January 1, 2002.”.

Amend the bill as a whole by deleting the text of the repealed sections.

Amend the title of the bill, third and fourth lines, by deleting: “repealing the provisions permitting the issuance of an operator's policy of liability insurance;” and inserting: “providing that an operator's policy of liability insurance may only be issued to certain persons;”.

Assemblywoman Buckley moved that the Assembly adopt the report of the second Conference Committee concerning Senate Bill No. 303.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

GENERAL FILE AND THIRD READING

Senate Bill No. 366.

Bill read third time.

Roll call on Senate Bill No. 366:

YEAS—39.

NAYS—Angle, Beers, Gustavson—3.

Senate Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Senate Bill No. 109:

YEAS—34.

NAYS—Angle, Bache, Beers, Carpenter, Gibbons, Giunchigliani, Gustavson, Humke—8.

Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2001

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 122, 232, 343, 405, 424, 615, 669; Assembly Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 94, 133, 271, 460, 483, 666; Senate Bill No. 565.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 394 and appointed Senators James, Amodei and Wiener as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 394.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 4, 21, 123, 324, 508, 521, 567, 596, 597, 660, 670; Assembly Concurrent Resolutions Nos. 38, 41; Assembly Joint Resolutions Nos. 8, 9, 10; Senate Bills Nos. 261, 307, 372, 433, 442, 446, 449, 462, 463, 481, 498, 572, 579, 581.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Buckley, Dini and Hettrick as a committee to wait upon His Excellency, Governor Kenny Guinn, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Williams, Anderson and Cegavske as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators McGinness, Amodei and Coffin, appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Williams reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblywoman Buckley reported that her committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblywoman Buckley moved that the Seventy First Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 1:44 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

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BACHE, DOUGLAS A. (DOUG), Assemblyman from Clark County, No. 11 District—

Absences, excused, 311.

Committee Appointments—

Conference re A.B. 60, 1944; A.B. 94, 2135; A.B. 219, 2133; A.B. 483, 2086; A.B. 637, 2135; A.B. 660, 1612; A.B. 664, 2359; S.B. 62, 2012; S.B. 202, 2030; S.B. 357, 2012; S.B. 489, 2029; S.B. 554, 1672; S.B. 565, 2153.

Select Committee on Energy (chairman), 255.

Standing—

Elections, Procedures, and Ethics, 8.

Government Affairs (chairman), 8.

Natural Resources, Agriculture, and Mining, 8.

Temporary—

Committee on Elections, Procedures, and Ethics, 2.

Moves—

Concur in Senate amendment(s) to, A.B. 92, 1672; A.B. 102, 1983; A.B. 128, 1490; A.B. 131, 2246; A.B. 179, Amend. No. 803, 2390; A.B. 179, Amend. No. 1048, 2390; A.B. 180, 1673; A.B. 182, 1910; A.B. 225, 1984; A.B. 314, 1909; A.B. 369, Amend. No. 354, 717; A.B. 369, Amend. No. 355, 718; A.B. 369, Amend. No. 557, 718; A.B. 395, 1809; A.B. 402, 1673; A.B. 413, 1907; A.B. 428, 1815; A.B. 430, 1907; A.B. 440, 1673; A.B. 444, 1780; A.B. 451, 1904; A.B. 461, 1913; A.B. 490, 1906; A.B. 556, Amend. No. 768, 1781; A.B. 556, Amend. No. 1004, 1782; A.B. 560, 1908; A.B. 564, 2391; A.B. 568, 1909; A.B. 650, Amend. No. 989, 1813; A.B. 650, Amend. No. 1032, 1814; A.B. 661, Amend. No. 1159, 2481; A.B. 661, Amend. No. 1231, 2474; A.B. 661, Amend. No. 1235, 2428.

BACHE, DOUGLAS A. (DOUG)—*Continued*

- Do not concur in Senate amendment(s) to, A.B. 60, 1489; A.B. 94, 2029; A.B. 219, 1912; A.B. 326, 1982; A.B. 555, 1782.
- Do not recede from action on, S.B. 202, 2029; S.B. 362, 1988; S.B. 489, 2029; S.B. 554, 1672.
- Previous question re A.B. 165, 243.
- Recede from action on, S.B. 556, 2379.
- Rescind action on, A.B. 556, 387; A.B. 572, 398; S.B. 372, 2106; S.B. 380, 1347.
- Suspend rules—
 - Transmit immediately to the Senate, A.C.R. 33, 1239.
- Potential Conflict of Interest re A.B. 380, 516; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 660, 747; S.B. 349, 1551.
- Remarks from the floor re A.B. 225, 955, 1024; A.B. 643, 1978; A.C.R. 33, 1238; S.B. 372, 1552, 1554.

BEERS, BOB, Assemblyman from Clark County, No. 4 District—

- Absences, excused, 263, 374, 805.
- Committee Appointments—
 - Conference re A.B. 48, 1786; A.B. 483, 2086.
- Standing—
 - Commerce and Labor, 8.
 - Elections, Procedures, and Ethics, 8.
 - Ways and Means, 9.
- Temporary—
 - Committee on Elections, Procedures, and Ethics, 2.
- Conflict of Interest, A.B. 167, 222.
- Moves—
 - Previous question re A.B. 8, 690; A.B. 282, 1140.
 - Reconsideration of vote re A.B. 578, 982.
- Notice of reconsideration of vote re A.B. 578, 926.
- Potential Conflict of Interest re A.B. 8, 690; A.B. 343, 2122; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 653, 668, 908; S.B. 48, 1538; S.B. 49, 1539; S.B. 349, 1551; S.B. 512, 1220.
- Remarks from the floor re A.B. 343, 2122; A.B. 453, 1536; S.B. 127, 1627, 1628; S.B. 399, 1868.

BERKLEY, SHELLEY, U.S. REPRESENTATIVE—

- Escort appointed for, 719.
- Message, 720.
- Vote of thanks extended to, 724.

BERMAN, MERLE A., Assemblywoman from Clark County, No. 2 District—

- Absences, excused, 115, 126.
- Committee Appointments—
 - Conference re A.B. 94, 2135; A.B. 195, 2038; S.B. 489, 2029; S.B. 554, 1672.
 - Select Committee on Health and Legal Issues, 601.
- Standing—
 - Constitutional Amendments, 8.
 - Government Affairs, 8.
 - Health and Human Services, 8.
- Remarks from the floor re A.B. 296, 1033; S.C.R. 41, 1242; S.C.R. 43, 1273.

BROWER, GREG, Assemblyman from Carson City (Part), Washoe (Part) Counties, No. 37 District—

Committee Appointments—

Conference re A.B. 500, 2026; A.B. 637, 2135; S.B. 83, 1988; S.B. 303, 2135; S.B. 551, 1988; S.B. 577, 2226.

Escort—

Chief Justice A. William Maupin, 2.

Standing—

Constitutional Amendments, 8.

Elections, Procedures, and Ethics, 8.

Judiciary, 8.

Taxation, 8.

Temporary—

Committee on Elections, Procedures, and Ethics, 2.

Conflict of Interest, A.B. 204, 691; A.B. 207, 1032; A.B. 320, 655; A.B. 418, 1026; A.B. 447, 1034; A.B. 490, 1154; A.B. 661, 1537.

Potential Conflict of Interest re A.B. 148, 372; A.B. 369, Senate Amend. No. 354, 717; A.B. 369, Senate Amend. No. 355, 718; A.B. 369, Senate Amend. No. 557, 718; S.B. 156, 1541.

Remarks from the floor re President Lincoln's Birthday, 98; Terra Nova test scores, 255; A.B. 453, 1535; A.B. 500, 744; A.C.R. 19, 438; S.B. 127, 1627; S.B. 577, 2125; S.C.R. 21, 289; S.C.R. 48, 1313.

Withdraws motion re A.B. 238, 179.

BROWN, DAVID F., Assemblyman from Clark County, No. 2 District—

Absences, excused, 443.

Committee Appointments—

Conference re A.B. 60, 1944; A.B. 219, 2153; A.B. 653, 2178; S.B. 357, 2012.

Special—

Invite Senate to meet in Joint Session, 153.

Review status of Conference Committees, 1791.

Standing—

Government Affairs, 8.

Natural Resources, Agriculture, and Mining, 8.

Taxation, 8.

Conflict of Interest, S.B. 274, 1549; S.B. 337, 1605.

Potential Conflict of Interest re A.B. 148, 372.

Remarks from the floor re S.C.R. 14, 200; S.C.R. 41, 1242; S.J.R. 9, 296.

BUCKLEY, BARBARA E., Assemblywoman from Clark County, No. 8 District—

Absences, excused, 89, 115, 1245.

Committee Appointments—

Conference re A.B. 219, 2153; A.B. 394, 2050; A.B. 447, 2080; A.B. 550, 2036; S.B. 25, 1987; S.B. 49, 2050; S.B. 87, 1783; S.B. 320, 1987; S.B. 418, 1777; S.B. 421, 2385.

Select Committee on Energy, 255.

Special—

Inform Governor Assembly organized, 7.

Inform Governor Assembly ready to adjourn *sine die*, 2493.

Standing—

Commerce and Labor (vice chairman), 8.

Elections, Procedures, and Ethics, 8.

Judiciary, 8.

Temporary—

Committee on Elections, Procedures, and Ethics, 2.

Conflict of Interest, A.B. 239, 505.

BUCKLEY, BARBARA E.—*Continued*

Moves—

All bills and joint resolutions reported out of committee with amendments, for balance of session, placed on appropriate reading file, 2020.

Assembly adjourn *sine die*, 2493.

Concur in Senate amendment(s) to, A.B. 460, 2398.

Press representatives, accreditation, 7, 79, 441, 578, 834.

Previous question re A.B. 153, 199.

Rescind action on, A.B. 120, 101; A.B. 460, Senate Amend. No. 1234, 2392, 2416; A.B. 556, 958; S.B. 137, 1777; S.B. 184, 1834; S.B. 193, 1834, 1836; S.B. 291, 1135; S.B. 380, 980; S.B. 563, 1469; S.J.R. 7, 500.

Special Order of Business re Vetoed Bills, Vetoed A.B. 332 of the 70th Session, 17; Vetoed A.B. 481 of the 71st Session, 1638.

Suspend rules—

Declare an emergency measure, All bills and joint resolutions reported out of committee without amendments, for balance of session, 2020; A.B. 70, 2379; A.B. 232, 2294; A.B. 300, 2379; A.B. 349, 1158; A.B. 615, 2154; A.B. 669, 2154; S.B. 1, 67; S.B. 539, 1874; S.J.R. 9, 296.

Dispense with reprinting, A.B. 133, 1168; A.B. 230, 2418; A.B. 346, 2418; A.B. 403, 2418; A.B. 594, 2418; S.B. 459, 2418.

Standing Rule No. 92, 2020.

Transmit immediately to the Senate, all Assembly bills passed by the Assembly this Legislative day, 2001; all bills and joint resolutions passed by Assembly this Legislative day, 1834; all bills and joint resolutions passed, for the balance of session, 2020; A.C.R. 41, 2048.

Nominates—

Jacqueline Sneddon to be Chief Clerk, 6.

Richard D. Perkins to be Speaker, 3.

Potential Conflict of Interest re A.B. 148, 372; A.B. 653, 908.

Remarks from the floor re Richard D. Perkins to be Speaker, 3; A.B. 225, 1025; A.B. 343, 2120, 2121; A.B. 418, 1170; A.C.R. 18, 429; A.C.R. 24, 665; A.C.R. 30, 1208; A.C.R. 41, 2046, 2048; A.J.R. 15, 1995; A.R. 11, 912; S.B. 219, 1692; S.B. 372, 1554; S.B. 577, 2125; S.C.R. 14, 200; S.C.R. 22, 359; S.C.R. 23, 370.

C

CARPENTER, JOHN C., Assemblyman from Elko (Part) County, No. 33 District—

Absences, excused, 89, 126, 130, 184, 213, 509, 751, 1214, 1793.

Committee Appointments—

Conference re A.B. 133, 2178; A.B. 162, 1961; A.B. 246, 2415; A.B. 370, 2080; A.B. 394, 2359; A.B. 460, 2384; A.B. 550, 2036; A.B. 666, 2356; S.B. 25, 1987; S.B. 49, 2050; S.B. 62, 2012; S.B. 87, 1783; S.B. 171, 1988; S.B. 421, 2385; S.B. 524, 2030.

Select Committee on Health and Legal Issues, 601.

Special—

Inform Senate Assembly organized, 7.

Standing—

Judiciary, 8

Natural Resources, Agriculture, and Mining, 8.

Transportation, 9.

CARPENTER, JOHN C.—*Continued*

Conflict of Interest, A.B. 341, 925.

Potential Conflict of Interest re A.B. 28, 576; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; S.B. 349, 1551; S.B. 418, 1556.

Remarks from the floor re Cowboy Hall of Fame, 2013, 2014, 2015, 2016; Duffy, Renee, 605; A.B. 225, 1024; A.B. 453, 1536; A.B. 665, 1324; A.C.R. 14, 365; A.C.R. 18, 428; A.C.R. 19, 437; A.C.R. 30, 1207; A.R. 7, 459; A.R. 13, 1296; S.C.R. 21, 290; S.C.R. 22, 359; S.C.R. 23, 371; S.C.R. 28, 490; S.C.R. 34, 668; S.C.R. 41, 1242; S.C.R. 42, 1271; S.C.R. 44, 1288; S.C.R. 45, 1291.

CEGAVSKE, BARBARA K., Assemblywoman from Clark County, No. 5 District—

Committee Appointments—

Escort—

Secretary of State Dean Heller, 5.

U.S. Senator John Ensign, 145.

Special—

Inform Senate Assembly ready to adjourn *sine die*, 2493.

Standing—

Education, 8.

Transportation, 9.

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Conflict of Interest, A.B. 21, 2023.

Potential Conflict of Interest re A.B. 264, 506.

Remarks from the floor re Charity Basketball Game, 971; Chuck and Carol Phillips, 1231; A.C.R. 2, 1209; A.C.R. 13, 355; A.C.R. 24, 665; A.C.R. 34, 1300; A.C.R. 41, 2047; S.C.R. 21, 290; S.C.R. 23, 370; S.C.R. 46, 1313.

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Jacqueline Sneddon, declared to be, 7.

Nomination of Jacqueline Sneddon, 6.

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Temporary—

Calls roll, 3.

Jacqueline Sneddon, requested to serve as, 2.

CHOWNING, VONNE S., Assemblywoman from Clark County, No. 28 District—

Committee Appointments—

Conference re S.B. 303, 2135; S.B. 399, 2031.

Escort—

Chief Justice A. William Maupin, 2.

Standing—

Education, 8.

Transportation (chairman), 9.

Ways and Means, 9.

Moves—

Concur in Senate amendment(s) to, A.B. 113, 1924; A.B. 229, 1975; A.B. 242, 1787; A.B. 245, 1680; A.B. 320, 1925; A.B. 383, 1826; A.B. 639, 1475; A.B. 641, 1978; A.B. 643, Amend. No. 796, 1788; A.B. 643, Amend. No. 960, 1791, 1978; A.C.R. 6, 1310.

Do not concur in Senate amendment(s) to, A.B. 246, 1925; A.B. 460, 2235.

Do not recede from action on, S.B. 303, 2003; S.B. 524, 2030; S.B. 576, 2230.

Rescind action on, A.B. 482, 803; A.B. 643, Amend. No. 960, 1791.

CHOWNING, VONNE S.—*Continued*

Suspend rules—

Declare an emergency measure A.B. 245, 1097.

Transmit immediately to the Senate, A.C.R. 20, 469.

Potential Conflict of Interest re A.B. 28, 576; S.B. 418, 1556.

Remarks from the floor re A.B. 500, 744; A.C.R. 14, 365; A.C.R. 18, 425; A.C.R. 20, 467; A.C.R. 24, 665; A.C.R. 29, 1203; A.C.R. 34, 1299; A.C.R. 39, 1881; A.R. 13, 1296; S.B. 127, 1628; S.B. 219, 1692; S.C.R. 23, 370; S.C.R. 27, 480.

CLABORN, JERRY D., Assemblyman from Clark County, No. 19 District—

Committee Appointments—

Conference re A.B. 162, 1961; A.B. 246, 2019; A.B. 399, 2050; S.B. 171, 2362; S.B. 286, 2226.

Special—

Invite Senate to meet in Joint Session, 719.

Standing—

Judiciary, 8.

Natural Resources, Agriculture, and Mining, 8.

Transportation, 9.

Remarks from the floor re S.B. 172, 1267, 1270.

COLLINS, TOM, Assemblyman from Clark County, No. 1 District—

Absences, excused, 126, 173, 213, 443, 1172, 1181, 1245.

Committee Appointments—

Conference re A.B. 246, 2415; A.B. 271, 2227; S.B. 171, 1988; S.B. 524, 2030.

Standing—

Education, 8.

Judiciary, 8.

Natural Resources, Agriculture, and Mining (vice chairman), 8.

Transportation, 9.

Conflict of Interest, A.B. 369, 430.

Moves—

Previous question re A.B. 8, 690.

Vote of thanks to Chief Justice A. William Maupin, 3.

Potential Conflict of Interest re A.B. 369, Senate Amend. No. 354, 717; A.B. 369, Senate Amend. No. 355, 718; A.B. 369, Senate Amend. No. 557, 718; A.B. 461, 1154; A.B. 483, 1169; A.B. 560, 904; A.B. 620, 832; A.B. 661, 1537; S.B. 52, 1197; S.B. 274, 1549.

Remarks from the floor re Assembly Resolution 86ed, 1989; Cowboy Hall of Fame, 2015; A.C.R. 13, 353; A.C.R. 20, 468; A.C.R. 24, 665; A.C.R. 29, 1204; A.C.R. 30, 1208; A.C.R. 32, 1236; S.B. 127, 1627; S.B. 172, 1268, 1269; S.B. 372, 1553; S.C.R. 22, 359

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U.S. Representative James A. Gibbons, 153.

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U.S. Senator John Ensign, 145.

Inform Governor Assembly organized, 7.

Inform Governor Assembly ready to adjourn *sine die*, 2493.

Inform Senate Assembly organized, 7.

Inform Senate Assembly ready to adjourn *sine die*, 2493.

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First Conference Report Not Adopted—

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- Brown re S.B. 274, 1549; S.B. 337, 1605.
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DE BRAGA, MARCIA, Assemblyman from Churchill, white Pine, Eureka (Part), Lander (Part) Counties, No. 35 District—

Committee Appointments—

- Conference re S.B. 62, 2012; S.B. 357, 2012.

Escort—

- Speaker of the Assembly, 4.

Standing—

- Education, 8.
- Natural Resources, Agriculture, and Mining (chairman), 8.
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- Concur in Senate amendment(s) to, A.B. 198, 1914, 1980; A.B. 419, 1915; A.B. 463, 1674; A.B. 468, 1816; A.B. 469, 1817; A.B. 632, 1916.

- Do not recede from action on, S.B. 62, 2012; S.B. 357, 2012.

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- Transmit immediately to the Senate, A.C.R. 25, 730.

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- Do not concur in Senate amendment(s) to, A.B. 48, 1486; A.B. 447, Amend. No. 928, 2004; A.B. 620, 1671.

- Do not recede from action on, S.B. 99, 1987; S.B. 216, 2005; S.B. 320, 1987; S.B. 418, 1777.

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- Rescind action on, A.B. 73, 79; A.B. 218, 163.

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- Declare an emergency measure A.J.R. 15, 1994.
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Potential Conflict of Interest re A.B. 28, 576; A.B. 155, 691; A.B. 461, 1154; A.B. 483, 1169; A.B. 620, 832; S.B. 63, 1866; S.B. 274, 1549; S.B. 337, 1605; S.B. 418, 1556.

Remarks from the floor re Lueck, Ethan Lee, 1791; S.B. 172, 1267.

LESLIE, SHEILA, Assemblywoman from Washoe County, No. 27 District—

Committee Appointments—

Conference re A.B. 195, 1879; A.B. 370, 2080; A.B. 447, 2080; A.B. 466, 2080; S.B. 99, 1987; S.B. 116, 1826.

Select Committee on Energy, 255.

Special—

Invite Senate to meet in Joint Session, 145.

Standing—

Commerce and Labor, 8.

Health and Human Services, 8.

Ways and Means, 9.

Moves—

Vote of thanks to Secretary of State Dean Heller, 5.

Remarks from the floor re A.B. 343, 2121; A.C.R. 18, 425; S.C.R. 27, 479.

M

MAJORITY FLOOR LEADER—*See Buckley, Barbara E.*

MAJORITY FLOOR LEADER, ASSISTANT—*See Parks, David R.*

MAJORITY WHIP, ASSISTANT—*See Leslie, Sheila*
See Manendo, Mark A.

MAJORITY WHIP—*See Anderson, Bernard.*

MANENDO, MARK, Assemblyman from Clark County, No. 18 District—

Committee Appointments—

Conference re A.B. 133, 2178; A.B. 162, 1961; A.B. 305, 2050; A.B. 394, 2359; A.B. 666, 2356; S.B. 83, 2240; S.B. 116, 1826; S.B. 171, 1988; S.B. 399, 2031; S.B. 482, 1881.

Escort—

U.S. Representative Shelley Berkley, 719.

Special—

Inform Senate Assembly organized, 7.

Standing—

Education, 8.

Health and Human Services, 8.

Judiciary (vice chairman), 8.

Moves—

Previous question re S.B. 127, 1629.

Suspend rules—

Declare an emergency measure S.J.R. 14, 1198.

Transmit immediately to the Senate, A.C.R. 39, 1881.

Potential Conflict of Interest re A.B. 264, 506; S.B. 491, 2123.

Remarks from the floor re A.B. 384, 1141; A.C.R. 17, 422; A.C.R. 24, 665; A.C.R. 30, 1208; A.C.R. 39, 1880; S.B. 36, 1227.

MARVEL, JOHN W., Assemblyman from Humboldt, Pershing, Elko (Part), Eureka (Part), Lander (Part) Counties, No. 34 District—

Committee Appointments—

Special—

Inform Governor Assembly organized, 7.

Standing—

Natural Resources, Agriculture, and Mining, 8.

Taxation, 8.

Ways and Means, 9.

Potential Conflict of Interest re S.B. 156, 1541.

Remarks from the floor re A.C.R. 14, 365; A.C.R. 18, 428; A.C.R. 29, 1203; A.C.R. 30, 1208; A.R. 7, 459; S.C.R. 13, 189; S.C.R. 23, 370; S.C.R. 45, 1290.

MCCLAIN, KATHY, Assemblywoman from Clark County, No. 15 District—

Absences, excused, 1200.

Committee Appointments—

Conference re A.B. 246, 2019; A.B. 305, 2050; A.B. 460, 2384; S.B. 286, 2226; S.B. 303, 2135; S.B. 377, 2003; S.B. 551, 1988.

Select Committee on Health and Legal Issues, 601.

Standing—

Constitutional Amendments, 8.

Health and Human Services (vice chairman), 8.

Judiciary, 8.

Transportation, 9.

Potential Conflict of Interest re A.B. 431, 740; A.B. 555, 1155; A.B. 653, 668, 908; S.B. 349, 1551.

MINORITY FLOOR LEADER—*See Hettrick, Lynn C.*

MINORITY FLOOR LEADER, ASSISTANT—*See Cegavske, Barbara.*

MINORITY WHIP—*See Brower, Greg.*

See Von Tobel, Kathy A.

MORTENSON, HARRY, Assemblyman from Clark County, No. 42 District—

Absences, excused, 509.

Committee Appointments—

Conference re S.B. 202, 2030; S.B. 489, 2029.

Standing—

Constitutional Amendments (vice chairman), 8.

Government Affairs, 8.

Natural Resources, Agriculture, and Mining, 8.

Taxation, 8.

Moves—

Rescind action on, A.B. 434, 322.

Remarks from the floor re S.C.R. 43, 1272.

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NATURAL RESOURCES, AGRICULTURE, AND MINING, COMMITTEE ON—

Members, appointment, 8.

NEIGHBORS, P.M. ROY, Assemblyman from Esmeralda, Lincoln, Mineral, Nye Counties, No. 36 District—

Committee Appointments—

Conference re A.B. 653, 2003; S.B. 362, 1989.

Escort—

Secretary of State Dean Heller, 5.

Select Committee on Energy, 255.

Standing—

Government Affairs, 8.

Natural Resources, Agriculture, and Mining, 8.

Taxation (vice chairman), 8.

Potential Conflict of Interest re A.B. 431, 740; A.B. 555, 1155; A.B. 558, 1463; S.B. 156, 1541; S.B. 349, 1551.

Remarks from the floor re A.C.R. 33, 1238; S.C.R. 13, 189; S.C.R. 19, 246.

Withdraws motion re S.B. 395, 1573.

NOLAN, DENNIS, Assemblyman from Clark County, No. 13 District—

Absences, excused, 126, 276, 285, 300, 727, 751, 1200.

Committee Appointments—

Conference re A.B. 54, 2019; A.B. 246, 2019; A.B. 305, 2050; A.B. 466, 2080; S.B. 83, 2240; S.B. 171, 2362; S.B. 216, 2005; S.B. 303, 2003; S.B. 320, 1987; S.B. 576, 2230.

Select Committee on Health and Legal Issues, 601.

Standing—

Commerce and Labor, 8.

Judiciary, 8.

Transportation, 9.

Conflict of Interest, A.B. 83, 652.

Remarks from the floor re President Reagan's 90th Birthday, 97; A.C.R. 17, 422; A.C.R. 34, 1299; A.C.R. 41, 2047; A.J.R. 15, 1995; S.C.R. 43, 1272.

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OATH OF OFFICE—

Administered to Assemblymen-elect, 2.

OCEGUERA, JOHN, Assemblyman from Clark County, No. 16 District—

Absences, excused, 374, 607, 805.

Committee Appointments—

Conference re A.B. 394, 2050; S.B. 83, 1988; S.B. 87, 1783; S.B. 216, 2005; S.B. 576, 2230; S.B. 577, 2226.

Select Committee on Health and Legal Issues, 601.

Special—

Review status of Conference Committees, 1791.

Standing—

Commerce and Labor, 8.

Constitutional Amendments, 8.

Judiciary, 8.

Transportation, 9.

Moves—

Previous question re A.B. 418, 1143; S.B. 127, 1629.

Potential Conflict of Interest re A.B. 313, 1323; A.B. 431, 740; A.B. 458, 921; A.B. 555, 1155; A.B. 563, 1031; A.B. 628, 747; A.B. 653, 668, 908; S.B. 257, 1632; S.B. 349, 1551.

Remarks from the floor re A.C.R. 14, 365; A.C.R. 34, 1300; S.C.R. 42, 1271.

OHRENSCHALL, GENIE, Assemblywoman from Clark County, No. 12 District—

Absences, excused, 1, 72, 76, 81, 89, 100, 108, 115, 126, 130, 139, 151, 161, 173, 176, 184, 191, 257, 263, 276, 374, 805, 845.

Committee Appointments—

Conference re A.B. 54, 2019; A.B. 399, 2050; S.B. 83, 2240; S.B. 303, 2003; S.B. 482, 1881.

Standing—

Judiciary, 8.

Natural Resources, Agriculture, and Mining, 8.

Transportation (vice chairman), 9.

Conflict of Interest, S.B. 527, 1691.

Moves—

Rescind action on, A.B. 442, 325.

Suspend rules—

Transmit immediately to the Senate, A.C.R. 24, 666; A.C.R. 26, 732.

Potential Conflict of Interest re A.B. 148, 372; A.B. 264, 506.

Remarks from the floor re A.C.R. 18, 429; A.C.R. 19, 438; A.C.R. 20, 468; A.C.R. 24, 664; A.C.R. 26, 731; A.C.R. 29, 1203; A.C.R. 30, 1208; A.C.R. 32, 1236; A.C.R. 34, 1300; A.C.R. 41, 2048; A.R. 13, 1297.

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PARKS, DAVID R., Assemblyman from Clark County, No. 41 District—

Absences, excused, 184, 607.

Committee Appointments—

Conference re A.B. 48, 1786; A.B. 460, 2384; A.B. 653, 2003; S.B. 216, 2005; S.B. 320, 1987.

Select Committee on Energy, 255.

Standing—

Commerce and Labor, 8.

Constitutional Amendments, 8.

Taxation, 8.

Ways and Means, 9.

Moves—

Rescind action on, A.J.R. 2, 117.

Suspend rules—

Declare an emergency measure A.B. 175, 2100; A.B. 513, 2100; A.B. 668, 2100; A.J.R. 8, 2100.

Transmit immediately to the Senate all Assembly bills passed by Assembly this Legislative day, 1961.

Potential Conflict of Interest re A.B. 28, 576; A.B. 264, 506; A.B. 431, 740; A.B. 555, 1155; A.B. 558, 1463; S.B. 156, 1541; S.B. 349, 1551; S.B. 418, 1556.

Remarks from the floor re S.C.R. 43, 1272.

PARNELL, BONNIE, Assemblywoman from Carson City (Part) County, No. 40 District—

Absences, excused, 1172.

Committee Appointments—

Conference re A.B. 60, 1944; A.B. 195, 2038; A.B. 555, 1989; A.B. 660, 1612.

Special—

Invite Senate to meet in Joint Session, 83.

PARNELL, BONNIE—*Continued*

Standing—

Education (vice chairman), 8.

Government Affairs, 8.

Health and Human Services, 8.

Potential Conflict of Interest re A.B. 380, 516; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 660, 747; S.B. 349, 1551.

Remarks from the floor re State employees recognition, 1243; A.R. 13, 1296; S.C.R. 13, 189; S.C.R. 45, 1291; S.C.R. 47, 1313; Vetoed A.B. 332 of the 70th Session, 78.

PERKINS, RICHARD D., Assemblyman from Clark County, No. 23 District—

Absences, excused, 115, 126.

Announcements—*See Announcements.*

Appointments Committees—

Conference re A.B. 48, 1786; A.B. 54, 2019; A.B. 60, 1944; A.B. 94, 2135; A.B. 133, 2178; A.B. 162, 1961; A.B. 195, 1879, 2038; A.B. 219, 2133, 2153; A.B. 246, 2019, 2415; A.B. 271, 2227; A.B. 305, 2050; A.B. 370, 2080; A.B. 394, 2050, 2359; A.B. 399, 2050; A.B. 447, 2080; A.B. 460, 2384; A.B. 466, 2080; A.B. 483, 2086; A.B. 500, 2026; A.B. 550, 2036; A.B. 555, 1989; A.B. 620, 1989; A.B. 637, 2135; A.B. 653, 2003, 2178; A.B. 660, 1612; A.B. 664, 2359; A.B. 666, 2356; S.B. 25, 1987; S.B. 49, 2050; S.B. 62, 2012; S.B. 83, 1988, 2240; S.B. 87, 1783; S.B. 99, 1987; S.B. 116, 1826; S.B. 171, 1988, 2362; S.B. 202, 2030; S.B. 216, 2005; S.B. 286, 2226; S.B. 303, 2003, 2135; S.B. 320, 1987; S.B. 357, 2012; S.B. 362, 1989; S.B. 377, 2003; S.B. 399, 2031; S.B. 418, 1777; S.B. 421, 2385; S.B. 482, 1881; S.B. 489, 2029; S.B. 524, 2030; S.B. 551, 1988; S.B. 554, 1672; S.B. 565, 2153; S.B. 576, 2230; S.B. 577, 2226.

Appoints Committees—

Select Committee on Energy, 255.

Select Committee on Health and Legal Issues, 601, 1570.

Special—

Inform Governor Assembly organized, 7.

Inform Governor Assembly ready to adjourn *sine die*, 2493.

Inform Senate Assembly organized, 7.

Inform Senate Assembly ready to adjourn *sine die*, 2493.

Invite Senate to meet in Joint Session, 83, 145, 153, 167, 719.

Review status of Conference Committees, 1791.

Standing committee members, 8.

Committee Appointments—

Standing—

Commerce and Labor, 8.

Elections, Procedures, and Ethics, 8.

Ways and Means, 9.

Temporary—

Committee on Elections, Procedures, and Ethics, 2.

Moves—

Suspend rules—

Transmit immediately to the Senate, A.C.R. 34, 1300.

Potential Conflict of Interest re A.B. 264, 506; A.B. 279, 834; A.B. 282, 1140; A.B. 289, 830; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 628, 747; A.B. 653, 668, 908; S.B. 349, 1551.

PERKINS, RICHARD D.—*Continued*

Remarks from the floor re Cowboy Hall of Fame, 2014, 2015; Funding Education, 1680; Position as Speaker of the Assembly, 5; A.C.R. 17, 421; A.C.R. 18, 426; A.C.R. 30, 1209; A.C.R. 34, 1298; A.R. 11, 913; S.B. 343, 2122; S.B. 414, 1229; S.C.R. 23, 371.

Speaker of the Assembly—

Declared to be, 4.

Nominated for, 3.

POTENTIAL CONFLICT OF INTEREST—

Anderson re A.B. 380, 516; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 660, 747; S.B. 349, 1551.

Arberry re A.B. 431, 740; A.B. 555, 1155; A.B. 653, 908; S.B. 349, 1551.

Bache re A.B. 380, 516; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 660, 747; S.B. 349, 1551.

Beers re A.B. 8, 690; A.B. 343, 2122; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 653, 668, 908; S.B. 48, 1538; S.B. 49, 1539; S.B. 349, 1551; S.B. 512, 1220.

Brower re A.B. 148, 372; A.B. 369, Senate Amend. No. 354, 717; A.B. 369, Senate Amend. No. 355, 718; A.B. 369, Senate Amend. No. 557, 718; S.B. 156, 1541.

Brown re A.B. 148, 372.

Buckley re A.B. 148, 372; A.B. 653, 908.

Carpenter re A.B. 28, 576; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; S.B. 349, 1551; S.B. 418, 1556.

Cegavske re A.B. 264, 506.

Chowning re A.B. 28, 576; S.B. 418, 1556.

Collins re A.B. 369, Senate Amend. No. 354, 717; A.B. 369, Senate Amend. No. 355, 718; A.B. 369, Senate Amend. No. 557, 718; A.B. 461, 1154; A.B. 483, 1169; A.B. 560, 904; A.B. 620, 832; A.B. 661, 1537; S.B. 52, 1197; S.B. 274, 1549.

de Braga re A.B. 361, 577; A.B. 418, 1143; S.B. 372, 1554, 2126.

Dini re S.B. 283, 1326.

Giunchigliani re A.B. 380, 516; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 660, 747; S.B. 349, 1551.

Gustavson re A.B. 456, 1153; A.B. 627, 905; S.B. 349, 1551.

Hettrick re S.B. 349, 1551.

Humke re A.B. 148, 372; A.B. 266, 518; A.B. 555, 1155; A.B. 558, 1463; A.B. 563, 1031; S.B. 543, 1873.

Koivisto re A.B. 9, 254; A.B. 26, 538; A.B. 95, 828; A.B. 122, 1636; A.B. 123, 1137; A.B. 266, 518; A.B. 431, 740; A.B. 555, 1155; A.B. 558, 1323, 1463; A.B. 563, 1031; A.B. 564, 2000; A.B. 634, 833; S.B. 349, 1551; S.B. 543, 1873.

Lee re A.B. 28, 576; A.B. 155, 691; A.B. 461, 1154; A.B. 483, 1169; A.B. 620, 832; S.B. 63, 1866; S.B. 274, 1549; S.B. 337, 1605; S.B. 418, 1556.

Manendo re A.B. 264, 506; S.B. 491, 2123.

Marvel re S.B. 156, 1541.

McClain re A.B. 431, 740; A.B. 555, 1155; A.B. 653, 668, 908; S.B. 349, 1551.

Neighbors re A.B. 431, 740; A.B. 555, 1155; A.B. 558, 1463; S.B. 156, 1541; S.B. 349, 1551.

Ocegüera re A.B. 313, 1323; A.B. 431, 740; A.B. 458, 921; A.B. 555, 1155; A.B. 563, 1031; A.B. 628, 747; A.B. 653, 668, 908; S.B. 257, 1632; S.B. 349, 1551.

Ohrenschall re A.B. 148, 372; A.B. 264, 506.

Parks re A.B. 28, 576; A.B. 264, 506; A.B. 431, 740; A.B. 555, 1155; A.B. 558, 1463; S.B. 156, 1541; S.B. 349, 1551; S.B. 418, 1556.

POTENTIAL CONFLICT OF INTEREST—*Continued*

- Parnell re A.B. 380, 516; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 660, 747; S.B. 349, 1551.
- Perkins re A.B. 264, 506; A.B. 279, 834; A.B. 282, 1140; A.B. 289, 830; A.B. 431, 740; A.B. 555, 1155; A.B. 563, 1031; A.B. 628, 747; A.B. 653, 668, 908; S.B. 349, 1551.
- Price re A.B. 484, 904; S.B. 418, 1556; S.B. 421, 2123.
- Smith re A.B. 8, 690; A.B. 149, 505; A.B. 150, 217; A.B. 266, 518.
- Von Tobel re A.B. 8, 690; A.B. 37, 902; A.B. 660, 747; S.B. 491, 2123.
- Williams re A.B. 431, 740; A.B. 555, 1155; A.B. 653, 908; S.B. 349, 1551.

PRESENTATION OF COLORS—

- Color Guard of the Henderson Police Department Honor Guard, 1.
- Explorer Post 2105, Douglas County Sheriff's Department, 100.

PRESS REPRESENTATIVES—

- Accreditation, 7, 79, 441, 578, 834.

PREVIOUS QUESTION—

- On motion re A.B. 8, 690; A.B. 153, 199; A.B. 165, 243; A.B. 282, 1140; A.B. 418, 1143; A.B. 442, 740; S.B. 127, 1629.

PRICE, ROBERT N. (BOB), Assemblyman from Clark County, No. 17 District—

- Absences, excused, 443.
- Committee Appointments—
 - Standing—
 - Constitutional Amendments (chairman), 8.
 - Elections, Procedures, and Ethics (vice chairman), 8.
 - Government Affairs, 8.
 - Taxation, 8.
 - Temporary—
 - Committee on Elections, Procedures, and Ethics, 2.
- Moves—
 - Concur in Senate amendment(s) to, A.J.R. 9, 2128.
- Suspend rules—
 - Transmit immediately to the Senate, A.C.R. 14, 366; A.C.R. 29, 1204.
- Potential Conflict of Interest re A.B. 484, 904; S.B. 418, 1556; S.B. 421, 2123.
- Remarks from the floor re Evans, Eugene Thomas, 182; A.C.R. 13, 355; A.C.R. 14, 364; A.C.R. 17, 422; A.C.R. 18, 428; A.C.R. 19, 439; A.C.R. 20, 468; A.C.R. 29, 1202; A.C.R. 30, 1209; A.C.R. 39, 1880; A.C.R. 41, 2048; A.R. 11, 913; S.C.R. 23, 371.
- Withdraws motion re A.B. 391, 302; A.R. 3, 53.

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RECEDE, MOTION NOT TO—

- From action on, S.B. 25, 1987; S.B. 49, 2050; S.B. 62, 2012; S.B. 83, 1988; S.B. 87, 1783; S.B. 99, 1987; S.B. 116, 1826; S.B. 171, 1988; S.B. 202, 2029; S.B. 216, 2005; S.B. 286, 2225; S.B. 303, 2003; S.B. 320, 1987; S.B. 357, 2012; S.B. 362, 1988; S.B. 377, 2003; S.B. 399, 2031; S.B. 418, 1777; S.B. 421, 2385; S.B. 482, 1881; S.B. 489, 2029; S.B. 524, 2030; S.B. 551, 1988; S.B. 554, 1672; S.B. 565, Amend. No. 863, 2137; S.B. 576, 2230; S.B. 577, 2226.

RECEDE, MOTION TO—

- From action on, S.B. 261, 2084; S.B. 556, 2379; S.B. 565, Amend. No. 1061, 2137.

RECONSIDERATION OF VOTE—

- A.B. 296 (notice), 924; (motion), 982.
- A.B. 383 (notice), 605.
- A.B. 442 (notice), 741; (motion), 774.
- A.B. 578 (notice), 926; (motion), 982.

REID, HARRY, U.S. SENATOR—

- Escort appointed for, 84.
- Message, 84.
- Vote of thanks extended to, 86.

RESCIND, MOTION TO—

- Action on, A.B. 34, 526; A.B. 73, 79; A.B. 120, 101; A.B. 218, 163; A.B. 279, 756; A.B. 335, 605; A.B. 363, 281; A.B. 429, 325; A.B. 434, 322; A.B. 442, 325; A.B. 450, 325; A.B. 460, Senate Amend. No. 1234, 2392, 2416; A.B. 482, 803; A.B. 550, 1942, 1984; A.B. 556, 387, 958; A.B. 572, 398; A.B. 585, 398; A.B. 643, Amend. No. 960, 1791; A.J.R. 2, 117; S.B. 56, 2097; S.B. 137, 1777; S.B. 184, 1834; S.B. 193, 1834, 1836; S.B. 257, 1656; S.B. 291, 1135; S.B. 366, Assembly Amend. No. 714, 2484; S.B. 372, 2106; S.B. 380, 980, 1347; S.B. 427, Assembly Amendment No. 1120, 2386; S.B. 516, 1594; S.B. 563, 1469; S.J.R. 7, 500.

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- American Heart Association and Operation Heartbeat, A.C.R. 28, 1195.
- National Association of Women in Construction, A.C.R. 9, 230.
- Nevada firefighters, A.C.R. 14, 363.
- R.E.M., A.C.R. 26, 730.
- Staff of State Printing Division, A.C.R. 39, 1879.
- Staff of the Legislative Counsel Bureau, A.C.R. 41, 2045.
- Wood, James E., former Assemblyman, A.C.R. 19, 435.

In honor of—

- Assembly Staff Appreciation Day, A.R. 11, 911.
- Declaring April 3, 2001 as Equal Pay Day in Nevada, A.C.R. 20, 466.
- Designating March 21, 2001 as E Clampus Vitus Day, A.C.R. 13, 352.
- Designating March 27, 2001 as Nevada Diabetes Awareness Day, A.C.R. 17, 420.
- Designating May 20-26, 2001 as U.S. Merchant Marine and U.S. Navy Armed Guard Remembrance Week, A.C.R. 33, 1237.
- Hawes, George Holbrook, former Assemblyman, A.R. 13, 1295.
- Una Storia Segreta, the Secret Story, A.C.R. 23, 661.
- Workers Memorial Day, A.C.R. 27, 1187.

In memory of—

- Evans, Jan, former Assemblywoman, A.C.R. 18, 422.
- Fitz, Harold E., former Assemblyman, A.C.R. 25, 729.
- Giomi, John Frank, former Assemblyman, A.C.R. 15, 374.
- Glaser, Norman D., former Nevada Legislator, A.R. 7, 457.
- May, Paul W., Jr., A.C.R. 29, 1201.
- Morgan, Richard L., A.C.R. 30, 1205.
- Orsie S. Graves, A.C.R. 12, 286.
- Smith, Louise Aloys, former Assemblywoman, A.R. 8, 497.
- Wallace, Julian, A.C.R. 24, 663.
- Wilson, Woodrow, former Assemblyman, A.C.R. 32, 1235.

In recognition of—

- Peace Officers' Memorial Day, A.C.R. 34, 1297.
- Read across America Day, A.C.R. 8, 214.

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Adoption, A.R. 3, 53.

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Reprinting dispensed with, A.B. 133, 1169; S.B. 366, 2484; S.B. 427, 2386; S.B. 459, 2418.

Standing Rule No. 92, 2020.

Transmit immediately to Senate, all Assembly bills passed by the Assembly this Legislative day, 1961, 2001; all bills and joint resolutions passed by Assembly this Legislative day, 1834; all bills and joint resolutions passed, for the balance of session, 2020; A.B. 667, 1601; A.C.R. 1, 41; A.C.R. 9, 232; A.C.R. 12, 288; A.C.R. 13, 355; A.C.R. 14, 366; A.C.R. 15, 376; A.C.R. 17, 422; A.C.R. 18, 429; A.C.R. 19, 439; A.C.R. 20, 469; A.C.R. 23, 663; A.C.R. 24, 666; A.C.R. 25, 730; A.C.R. 26, 732; A.C.R. 27, 1187; A.C.R. 29, 1204; A.C.R. 30, 1209; A.C.R. 32, 1237; A.C.R. 33, 1239; A.C.R. 34, 1300; A.C.R. 39, 1881; A.C.R. 40, 1944; A.C.R. 41, 2048; A.J.R. 15, 1995

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ASSEMBLY STANDING RULES
AND THE
JOINT STANDING RULES OF THE
SENATE AND ASSEMBLY
OF THE
SEVENTY-FIRST SESSION
OF THE
LEGISLATURE OF THE STATE OF NEVADA

2001

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution must not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall temporarily and

for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295]

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No 6. Reserved.

[Statutes of Nevada 1973, 1886; R 1985, 2315]

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall

immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable electronic communication devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

[Statutes of Nevada 2001, 3296]

Rule No. 22. Reserved.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All

proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

- (a) Against whom a complaint is brought requests a public hearing;
- (b) Discloses the opinion of the committee at any time after his hearing; or
- (c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairman. The chairman shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

- (a) His acceptance of a gift or loan; or
- (b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

- (a) The conflict impedes his independence of judgment;
- (b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;
- (c) His participation is likely to have any significant effect on the disposition of the measure; and
- (d) His interest is greater than the interests of an entire class of persons similarly situated.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on elections, procedures, and ethics or special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers, may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298]

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES**Rule No. 40. Standing Committees.**

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. Taxation, twelve members.
4. Education, twelve members.
5. Elections, Procedures, and Ethics, twelve members.
6. Natural Resources, Agriculture, and Mining, twelve members.
7. Transportation, twelve members.
8. Commerce and Labor, fourteen members.
9. Health and Human Services, twelve members.
10. Government Affairs, fourteen members.
11. Constitutional Amendments, eight members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543]

Rule No. 42. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule.

2. Except as limited by this rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of the entire committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the entire committee and does not imply commitment to support final passage.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

8. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chairman has informed the Speaker of the intention of the committee to consider such a question.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3543; 2001, 3299]

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544]

Rule No. 44. Committee on Elections, Procedures, and Ethics.

The Committee on Elections, Procedures, and Ethics has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544]

Rule No. 45. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections, Procedures, and Ethics. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing

before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. The Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544]

Rule No. 46. Committee Action on Reports.

Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840]

Rule No. 47. Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840]

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen must be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

[Statutes of Nevada 1973, 1904; A 1999, 3840]

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chairman, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301]

Rule No. 50. Reserved.**Rule No. 51. Reserved.****Rule No. 52. Concurrent Referrals.**

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205; 1999, 3840]

The next rule is 60.

VI. RULES GOVERNING MOTIONS**Rule No. 60. Entertaining.**

No motion may be debated until it is distinctly announced by the presiding officer. If desired by the presiding officer or any member, the motion must be reduced to writing and be read by the Chief Clerk before the motion is

debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841]

Rule No. 61. Reserved.

Rule No. 62. Reserved.

PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of business of Motions, Resolutions and Notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the:

1. Last day on which final action is allowed; or

2. Day preceding the last day of the session.

[Statutes of Nevada 1973, 1890; A 1999, 3841; 2001, 3302]

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

[Statutes of Nevada 1973, 1890]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

[Statutes of Nevada 1973, 1890]

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303]

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the daily history and be made available to the news media. The daily history must include the most current version of the notice that is available at the time the daily history is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess;
or

(b) Conference committee meetings.

[Statutes of Nevada 1975, 1915; A 1995, 2855; 1997, 3549; 1999, 3842]

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 1973, 1891]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.

2. The Statutes of the State of Nevada.

3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891; A 1999, 3843]

Rule No. 101. Reserved.

[Statutes of Nevada 1987, 2327; R 1989, 2206]

Rule No. 102. Privileged Questions.

Privileged questions have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.

4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 2001, 3304]

Rule No. 103. Reserved.**B. BILLS****Rule No. 104. Reserved.**

[Statutes of Nevada 1973, 1883; A 1973, 1911; R 1983, 2106]

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 1973, 1893]

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

[Statutes of Nevada 1973, 1893; R 1985, 2316]

Rule No. 108. Reserved.

[Statutes of Nevada 1985, 2316; R 1987, 2327]

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority

vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members must be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended must be reprinted, engrossed, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he requests the removal of a particular bill from the consent calendar. If a member so requests, the Chief Clerk shall remove the bill from the consent calendar and

transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

4. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305]

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration must be given on the day on which the final vote was taken by a member voting with the prevailing party. It is not in order for any member to move a reconsideration on the day on which the final vote was taken, except by unanimous consent. There may be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895; A 1999, 3845]

Rule No. 116. Vetoed Bills.

Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered

immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 2001, 3306]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846]

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.

6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307]

Rule No. 121. Reserved.

Rule No. 122. Renumbered as Rule No. 102 and reserved for future use.

[Statutes of Nevada 1973, 1896; A 1999, 3846; R 2001, 3307]

Rule No. 123. Renumbered as Rule No. 82 and reserved for future use.

[Statutes of Nevada 1973, 1896; R 2001, 3307]

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Renumbered as Rule No. 116 and reserved for future use.

[Statutes of Nevada 1973, 1896; A 1995, 2861; 1997, 3555; 1999, 3847; 2001, 3307]

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS**Rule No. 140. Compensation of Witnesses.**

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two conference committees on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848]

MESSAGES

Rule No. 2. Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full in the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor

is at the bar.” The secretary will, upon being recognized by the presiding officer, announce: “Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly,” and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full in the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848, 2001, 3310]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more legislators elected to one House may, at the direction of the legislator who brings the bill or resolution forward for introduction, set forth the names of one or more

legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. The number of primary joint sponsors must not exceed five per bill or resolution. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849]

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

- (a) Propose an amendment to the Nevada constitution.
- (b) Ratify a proposed amendment to the United States Constitution.
- (c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

- (a) Amend these joint rules.
- (b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections, Procedures, and Ethics before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851]

VETOES**Rule No. 8. Special Order.**

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read in the Senate by the Secretary of the Senate and in the Assembly by the Chief Clerk of the Assembly, without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410; A 1999, 3851]

ADJOURNMENT**Rule No. 9. Limitations and Calculation of Duration.**

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313]

EXPENDITURES FROM THE LEGISLATIVE FUND**Rule No. 10. Manner of authorization.**

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION**Rule No. 11. Membership and Organization.**

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

RECORDS OF COMMITTEE PROCEEDINGS**Rule No. 12. Duties of Secretary of Committee and Director.**

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

(b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and

(d) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner he deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853]

REAPPORTIONMENT**Rule No. 13. Responsibility for Measures and Approval of Research Requests.**

1. The Committee on Government Affairs of the Senate and the Committee on Elections, Procedures, and Ethics of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the “redistricting committees” for the purposes of this rule and joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4, 13.5 and 13.6.

2. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these redistricting committees.

[Statutes of Nevada 1981, 2068; A 1993, 2906; 1999, 3854; 2001, 3315]

Rule No. 13.1. Equality of Representation.

1. In order to meet constitutional guidelines for deviations in population among state legislative districts, no plan, or proposed amendment thereto, will be considered that results in an overall range of deviation in excess of 10 percent, or a relative deviation in excess of plus or minus 5 percent from the ideal district population.

2. The population of each of the Nevada congressional districts must be as nearly equal as is practicable. Any population deviation among the congressional districts from the ideal district population must be necessary to achieve some legitimate state objective. Legitimate state objectives, as judicially determined, include making districts compact, respecting municipal boundaries, preserving the cores of prior districts and avoiding contests between incumbent representatives. In order to meet constitutional guidelines for congressional districts, no plan, or proposed amendment thereto, will be considered that results in an overall range of deviation in excess of 1 percent, or a relative deviation in excess of plus or minus one-half percent from the ideal district population.

3. Equality of population in accordance with the standard for state legislative districts is the goal of redistricting for the State Board of Education and the Board of Regents.

[Statutes of Nevada 2001, 3315]

Rule No. 13.2. Population Database.

1. The total state population, and the population of defined subunits thereof, as determined by the 2000 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.

2. Such 2000 census data as validated by the staff of the Legislative Counsel Bureau must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.

[Statutes of Nevada 2001, 3316]

Rule No. 13.3. Districts.

All district boundaries created by a redistricting plan must follow the census geography.

[Statutes of Nevada 2001, 3316]

Rule No. 13.4. Procedures of the Redistricting Committees.

1. A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all the state legislative districts, congressional districts, districts for the Board of Regents or districts for the State Board of Education for consideration by the redistricting committees.

2. Bill draft requests, including bills in skeletal form, setting forth specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents or districts for the State Board of

Education, and amendments affecting a majority of the state legislative districts, may only be requested by the chairmen of the redistricting committees.

3. The chairmen of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a bill draft setting forth the specific boundaries of the congressional districts, one request each for a bill draft setting forth the specific boundaries of the districts for the Board of Regents and one request each for a bill draft setting forth the specific boundaries of the districts of the State Board of Education. At the direction of the chairman of the redistricting committee, the bill draft requests setting forth the specific boundaries of the state legislative districts, the congressional districts, districts for the Board of Regents and districts for the State Board of Education may be combined in any manner.

[Statutes of Nevada 2001, 3316]

Rule No. 13.5. Compliance with the Voting Rights Act.

1. The redistricting committees will not consider a plan that discernibly violates section 2 of the Voting Rights Act, codified as 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. The redistricting committees will not consider a plan that is discernibly racially gerrymandered. Racial gerrymandering exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The Legislature subordinates traditional districting principles to racial considerations.

For the purposes of this subsection, "traditional districting principles" are those traditional redistricting principles that have been judicially recognized and include compactness of districts, contiguity of districts, preservation of political subdivisions, preservation of communities of interest, preservation of cores of prior districts, protection of incumbents and compliance with section 2 of the Voting Rights Act, 42 U.S.C. § 1973 (2).

3. For the purpose of analyzing the 2000 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the United States Census Bureau as part of the federal decennial census.

[Statutes of Nevada 2001, 3316]

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:
 - (a) Public participation in all aspects of the reapportionment and redistricting activities; and
 - (b) The widest range of public input into the deliberations relating to those activities.
 2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.
 3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this rule and Joint Standing Rules Nos. 13, 13.1, 13.2, 13.3, 13.4 and 13.5.
 4. Each of the redistricting committees, either jointly or separately, shall hold at least one hearing in the southern portion of this state and at least one hearing in a rural portion of this state to allow residents throughout the state an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.
 5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2000 census database for the cost of reproducing the database.
 6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.
- [Statutes of Nevada 2001, 3317]

**LIMITATIONS ON INTRODUCTION AND REQUESTS FOR
DRAFTING OF LEGISLATIVE MEASURES****Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.**

1. Except as otherwise provided in subsection 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:
 - (a) Two requests from each Assemblyman; and
 - (b) Four requests from each Senator,for the drafting of a bill or resolution.
2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 22nd calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each house for the drafting

of a bill. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective houses, within the limit provided by this subsection. The lists may be revised any time before the 22nd day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a legislator or organization must indicate the legislator or organization at whose request the measure was drafted.

7. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

8. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

9. If two or more measures are being considered in the same house which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

10. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317]

Rule No. 14.2 Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

(b) If a bill requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill. The revised bill may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

(c) If the bill requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill. A bill revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill that was requested by:

(1) A legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill the final date on which the bill may be introduced.

3. If the final date on which the bill may be introduced falls upon a day on which the House in which the bill is to be introduced is not in session, the bill may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912)]

SCHEDULE FOR ENACTMENT OF BILLS**Rule No. 14.3 Final Dates for Action by Standing Committees and Houses; Final Date for Requesting Drafting of Reports for Conference Committees.**

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill is referred in its House of origin may only take action on the bill on or before the 71st calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill may only be taken by the House of origin on or before the 82nd calendar day of the legislative session.

3. The final standing committee to which a bill is referred in the second House may only take action on the bill on or before the 106th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill may only be taken by the second House on or before the 113th calendar day of the legislative session.

No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319]

Rule No. 14.4 Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase “EMERGENCY REQUEST OF” and state the title of the person who requested each bill or resolution pursuant to this rule. If the request was made on behalf of another legislator or a standing committee, the list must also include the name of the legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this rule the phrase “EMERGENCY REQUEST OF” and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320]

Rule No. 14.5 Waivers.

1. At the request of a legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this rule unless such information as is required to draft the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the journal, and a notation that the waiver was granted must be included as a part

of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

6. No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed by a waiver.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320]

Rule No. 14.6 Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the state general fund or the state highway fund;

(2) Create or increase any significant fiscal liability of the state; or

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the state,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term “exempt” for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt after it is printed. A notation of each exemption granted after the bill was printed must be included as a part of the history of the bill on the next practicable legislative day. The term “exempt” must be printed on the face of all subsequent reprints of the bill.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until it is determined to be exempt pursuant to subsection 1. A bill determined to be exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined to be exempt after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A bill required to carry out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321]

Rule No. 14.7 Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that Title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860]

**CONTINUATION OF LEADERSHIP OF THE SENATE
AND ASSEMBLY DURING THE INTERIM
BETWEEN SESSIONS**

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335; 2001, 3322]

INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments.

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

[Statutes of Nevada 1989, 2366; A 1999, 3860]

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 89th calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all legislators and lobbyists. Each member and lobbyist is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this rule, “sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive working environment.

3. Each person subject to these rules must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

4. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

5. If a legislator believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. Except as otherwise provided in subsection 7, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint received pursuant to subsection 5 to a committee consisting of legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures, and Ethics of the Assembly or the Committee on Legislative Affairs and Operations of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

10. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

11. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

12. Action taken by a complainant pursuant to this rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES**Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.**

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

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C E R T I F I C A T E

STATE OF NEVADA

ASSEMBLY CHAMBER

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SS.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Seventy First Session of the Legislature of the State of Nevada, held in 2001.



Speaker of the Assembly.



Chief Clerk of the Assembly.